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## HISTORY

MOMMSEN'S HISTORY OF  
ROME WITH INTRODUCTION,  
BY E. A. FREEMAN, LL.D.  
IN FOUR VOLS. — VOL. ONE

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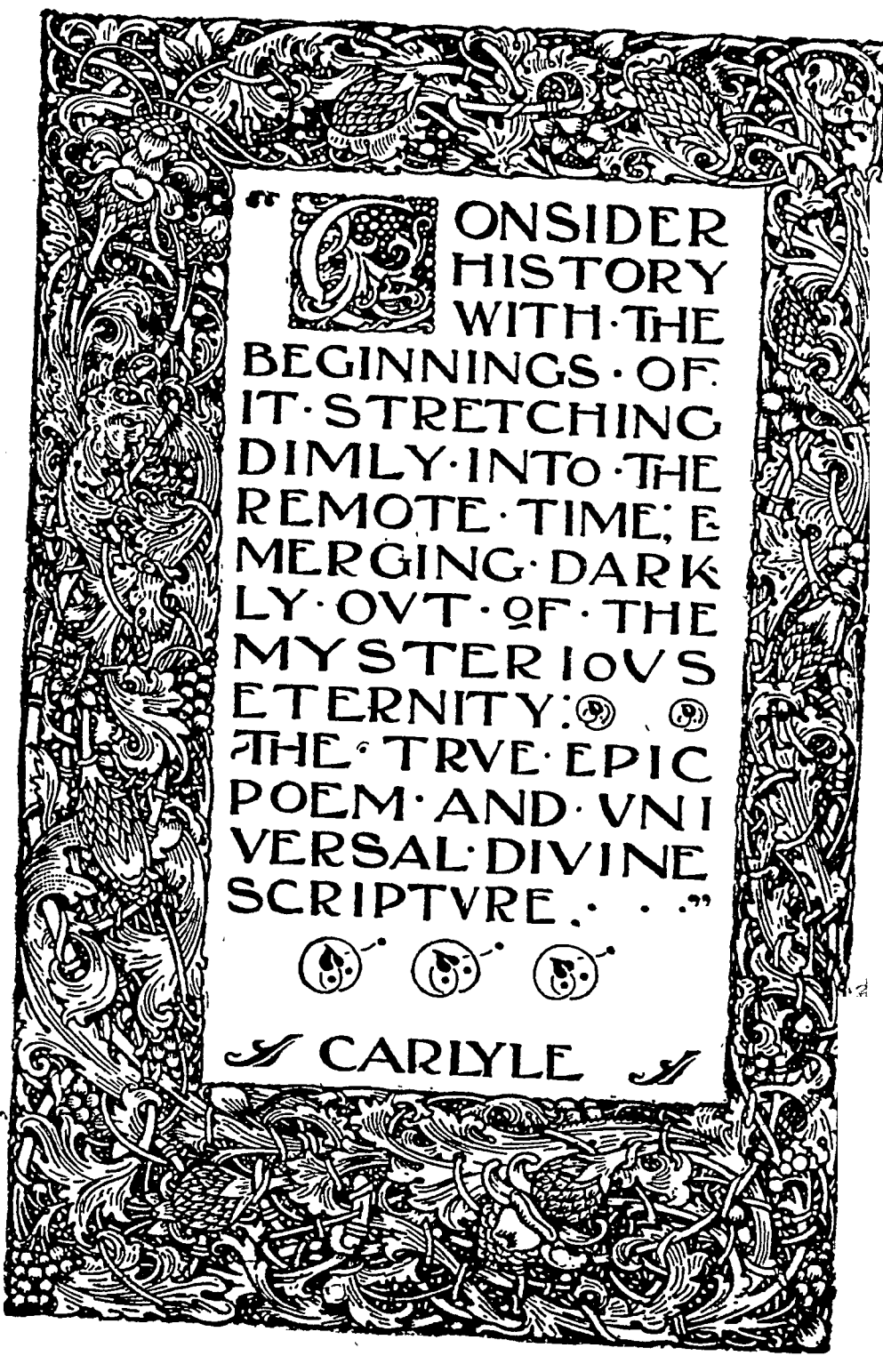
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CONSIDER  
HISTORY  
WITH THE  
BEGINNINGS OF  
IT STRETCHING  
DIMLY INTO THE  
REMOTE TIME; E  
MERGING DARK  
LY OUT OF THE  
MYSTERIOUS  
ETERNITY: ③ ③  
THE TRUE EPIC  
POEM AND UNI  
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SCRIPTURE . . .



✓ CARLYLE ✓

THE HISTORY  
OF ROME &  
& THEODOR  
MOMMSEN &  
*Translated by*  
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# INTRODUCTION

By EDWARD ALGUSTUS FREMAN<sup>1</sup>

THE history of Rome is the greatest of all historical subjects for this simple reason that the history of Rome is in truth synonymous with the history of the world. If history be read not as a mere chronicle of events recorded as a *form* and remembered as a *lesson* but as the living science of causes and effects it will be found that rightly to understand the destiny of what is truly called the Eternal City our researches must be carried up to the very beginnings of history and tradition and must be continued uninterruptedly to the present hour. Palestine, Greece, and Italy are the three lands whose history contains the history of man. From Palestine we draw our religion; from Greece comes art and literature and in a manner law and freedom. But the influence of Palestine and Greece is to a large extent a mere influence of example and analogy, and where it is a real influence of cause and effect it is at best an indirect influence propagated by the voices and the arms of strangers. The history of civilised man goes on in one unbroken tale from Theseus to our own day but the drama shifts its scene and changes its actors. Greece can only reach us by way of Italy; the Athenian speaks to modern Europe almost wholly through a Roman interpreter. We profess a religion of Hebrew origin but the oracles of that religion speak the language of Greece and reached us only through the agency of Rome. Of the old states of the world the history of Carthage and of Palestine merges itself for ever in that of Rome. Greece like one of her own subterranean rivers merges herself also for a while shrouds herself under the guise and title of her conqueror and at last reappears at such a distance that some refuse to recognise her identity.

To understand Roman history aright we must know the history of the Semitic and Hellenic races which Rome absorbed and of those races of the farther East which Rome herself

<sup>1</sup> *Römische Geschichte* von Theodor Mommsen. Erster Band: Bis zur Schlacht von Mydne. Leipzig 1854. Zweiter Band: Von der Schlacht von Mydne bis auf Sulla's Tod. Berlin, 1855. Dritter Band: Von Sulla's Tod bis zur Schlacht von Thapsus. Berlin 1856. [*Roman History* by Theodor Mommsen. 3 vols. Leipzig and Berlin 1854-6.]

never could subdue. We must go yet farther back; we must, by the aid of philological research, grope warily beyond the domain of history or legend. We must go back to unrecorded days, when Greek and Italian were one people; and to days more ancient still, when Greek, Italian, Celt, Teuton, Slave, Hindoo, and Persian were as yet members of one undivided brotherhood. And if the historian of Rome is bound to look back, still more is he bound to look onwards. He has but to cast his eye upon the world around him to see that Rome is a still living and abiding power. The tongue of Rome is the groundwork of the living speech of south-western Europe. The tongue of Rome is still the ecclesiastical language of half Christendom; the days are hardly past when it was the common language of science and learning. The law of Rome is still quoted in our courts and taught in our universities; in other lands it forms the source and groundwork of their whole jurisprudence. Little more than half a century has passed since an Emperor of the Romans, tracing his unbroken descent from Constantine and Augustus, still held his place among European sovereigns, and, as Emperor of the Romans, still claimed precedence over every meaner potentate.<sup>1</sup> And the title of a Roman office, the surname of a Roman family, still remains the highest object of human ambition, clutched at alike by worn-out dynasties and by successful usurpers. Go eastward, and the whole diplomatic skill of Europe is taxed to settle the affairs of a Roman colony, which, cut off alike by time and distance, still clings to its Roman language and glories in its Roman name. We made war but yesterday upon a potentate whose badge is the Roman eagle, on behalf of one whose capital has not yet lost the official title of New Rome. Look below the surface, and the Christian subjects of the Porte are found called and calling themselves Romans; go beyond the Tigris, and their master himself is known to the votary of Ali simply as the Roman Cæsar. Even facts like these, which hardly rise above the level of antiquarian curiosities, still bespeak an abiding influence such as no other city or kingdom ever knew. And, far above them all, in deep and vast significance, towers the yet living phenomenon of the Roman Church and the Roman pontiff. The city of the Cæsars has for ages been, still is, and, as far as man can judge, will still for ages be, the religious centre, the holy place,

<sup>1</sup> We must remember that Freeman was writing half a century ago on the first appearance of Mommsen's work in England.—[Ed.]

the sacred hearth and home, of the faith and worship of millions on each side of the Atlantic. The successor of the *Fisherman still in very truth sits on the throne of Nero, and wields the sceptre of Diocletian.* It is indeed a throne rocked by storms; Frank and German may do battle for its advocacy; they have done so in ages past, and may do so for ages to come; but the power which has lived through the friendship and the enmity of Justinian and Liutprand, of Charlemagne and Otto, of the Henrys and the Fredericks, of Charles of Austria and Napoleon of France, may well live to behold the extinction, however distant it may be, of both the rival lines of Corsica and Hapsburg. Look back to the first dim traditions of the European continent, and you look not too far back for the beginnings of Roman history. Ask for the last despatch and the last telegram, and it will tell you that the history of Rome has not yet reached its end. It is in Rome that all ancient history loses itself; it is out of Rome that all modern history takes its source. Her native laws and language, her foreign but naturalised creed, still form the most important element in the intellectual life of every European nation; and, in a large portion of the European continent, they not only form an important element, but are the very groundwork of all.

The history of Rome dies away so gradually into the general history of the middle ages, that it is hard to say at what point a special Roman history should terminate. Arnold proposed to continue his history to the coronation of Charlemagne. Something may doubtless be said for this point, and something also for other points, both earlier and later. The Roman history gradually changes from the history of a city to the history of an empire. The history of the Republic is the history of a municipality, bearing sway over an ever-increasing subject territory; it differed only in scale from the earlier dominion of Athens and Carthage, from the later dominion of Bern and Venice. Under the Empire this municipal character died away, the Roman citizen and the provincial became alike the subjects of Cæsar; in process of time the rights, such as they were, of the Roman citizen were extended to all the subjects of the Roman monarchy. During the middle ages, the strange spectacle was exhibited of a Greek and a German disputing the title of Roman Emperor, while Rome itself was foreign ground to both alike. But this was only the full development of a state of things which had begun

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to arise, which indeed could not fail to arise, long before the period commonly assigned for the termination of the genuine Roman Empire. The importance of the capital even under the Emperors far surpassed that of the capital of a modern state. But it was no longer what it had been under the Republic. When from the Atlantic to the Euphrates all were alike Romans, the common sovereign of all ceased to be bound to Rome itself by the same tie as the old Consuls and Dictators. Rome gradually ceased to be an imperial residence. Constantine can hardly be said to have transferred the seat of empire from Rome to Constantinople. He fixed at Constantinople a throne which had already left Rome, but which had as yet found no other permanent resting-place. His predecessors had reigned at Milan and Nikomedeia; his successors reigned at Ravenna and Constantinople. Constantius and Honorius did but occasionally visit Rome; more peacefully, indeed, but quite as transiently, as the Ottos and Henrys of a later age. And when the seat of government—always for a large part, sometimes for the whole—of the Roman Empire was permanently transferred to Constantinople, it is wonderful to see how truly that city became, as it was called, the New Rome. Greece, indeed, eventually asserted her rights over the old Megarian city; the Byzantine Empire gradually changed from a Roman to a Greek state; but at what moment the change was accomplished it is impossible to say. Up to the coronation of Charlemagne, the Byzantine monarch was at least nominal lord of the Old as well as the New Rome. With Charlemagne begin the various dynasties of German Cæsars, keeping up more local connection with Old Rome, but much less of the true Roman tradition, than their rivals at Byzantium. There is at least thus much to be said for the point chosen by Arnold, that down to the coronation of Charlemagne there was still one undisputed Roman Empire and Roman Emperor. Heraclius and Leo ruled Italy from Constantinople, as Diocletian had ruled it from Nikomedeia. After the year 800 East and West are formally divided; there are two Roman Empires, two Roman Emperors. Of these, the one is rapidly tending to become definitively German, the other to become definitively Greek.

Mommsen shows how one Italian city contrived to conquer the whole Mediterranean world, and how inadequate the municipal government of that city proved itself to be to the task of ruling it. This is indeed a subject, and a very great subject,

by itself, it is one of the greatest of political lessons, it is in fact the whole history of the City of Rome as the conquering and governing municipality, what follows is the history of the Empire deriving its name from the city, but becoming gradually divorced from it. The point which Mommsen has now reached might almost be the termination of a "*Geschichte von Rom*," but his work calls itself a "*Römische Geschichte*," and may therefore be fairly continued to almost any point which the historian may choose to select.

Mommsen's *Roman History* is beyond all doubt to be ranked among those really great historical works which do so much honour to our own day. We can have little hesitation in pronouncing it to be the best complete Roman history in existence. For a complete history, as we have just shown, we may call it even as it now stands, it is not a mere fragment like those of Niebuhr and Arnold. And even the ages with which Niebuhr and Arnold have dealt may be studied again with great advantage under Mommsen's guidance. And the important period between the close of Arnold's third volume and the opening of Mr. Merivale's history Mommsen has pretty well to himself among writers who have any claim to be looked upon as his peers. In short we have now for the first time, the complete history of the Roman Republic really written in a way worthy of the greatness of the subject. Mommsen is a real historian, his powers of research and judgment are of a very high order, he is skilful in the grasp of his whole subject and vigorous and independent in his way of dealing with particular portions. And an English critic may be allowed to add that his book is far easier and more pleasant to read than many of the productions of his learned fellow countrymen.

At the same time there are certain inherent disadvantages in the form and scale of the work. Mommsen's work is the first of a series the aim of which seems to be to popularise—we do not use the word in a depreciatory sense—the study of classical antiquity among the general German public.

The writer speaks as a master to an audience whose business it is to accept and not to dispute his teaching. But this mode of writing has its disadvantages when applied by a bold and independent writer like Mommsen to a period of the peculiar character which belongs to the early history of Rome. That history, we need not say, is one which does not rest on contemporary authority. That Rome was taken by the

Gauls appears to be the solitary event in the annals of several centuries which we can be absolutely sure was recorded by a writer who lived at the time.<sup>1</sup> Yet of these ages Dionysius and Livy give us a history as detailed as Thucydides can give of the Peloponnesian War, or Eginhard of the campaigns of Charles the Great. Till the time of Niebuhr, none but a solitary sceptic here and there hesitated to give to the first decade of Livy a credence as unhesitating as they could have given to Thucydides or Eginhard. And such sceptics commonly carried their unbelief to so unreasonable an extent as rather to favour the cause of a still more unreasonable credulity. Till Arnold wrote, Hooke's was the standard English History of Rome; there are apparently "some even in our own generation who regard it as still entitled to the place of honour. Now, though Hooke's four stately quartos stand in due order on our shelves, we cannot boast of so intimate an acquaintance with them as with the smaller volumes of Arnold and Mommsen; but we do know enough of their contents to perceive that Hooke had no more idea of doubting the existence of Romulus than he had of doubting the existence of Cæsar. Then came the wonderful work of Niebuhr, which overthrew one creed and set up another. The tale which our fathers had believed on the authority of Livy sank to the level of a myth, the invention of a poet, the exaggeration of a family panegyrist; but in its stead our own youth was called upon to accept another tale, told with almost equal minuteness, on the personal authority of a German doctor who had only just passed away from among men. Niebuhr's theory, in fact, acted like a spell; it was not to argument or evidence that it appealed; his followers avowedly claimed for him a kind of power of "divination." Since that time there has been, both in Germany and in England, a reaction against Niebuhr's authority. The insurrection has taken different forms: one party seem to have quietly relapsed into the unreasoning faith of our fathers. Others are content to adopt Niebuhr's general mode of inquiry, and merely to reverse his judgment on particular points. This is the case, with the able but as yet fragmentary work of Dr. Ihne.<sup>2</sup> Finally, there comes the

<sup>1</sup> See the latter part of the 12th chapter of Sir G. C. Lewis's *Credibility of Early Roman History*. It seems clear that Greek contemporary writers did record the Gaulish invasion; possibly the account of Polybius may fairly represent their version of the event.

<sup>2</sup> *Researches into the History of the Roman Constitution*. By W. Ihne, Ph.D. London, 1853.

party of absolute unbelief, whose champion is no less a person than the late Chancellor of the Exchequer. Beneath the Thor's hammer of Sir George Cornewall Lewis the edifice of Titus Livius and the edifice of Barthold Niebuhr fall to the ground side by side. Almost every child has wept over the tale of Virginia, if not in Livy, at least in Goldsmith. Niebuhr and Arnold connect the tragic story with profound historical and political lessons, but Sir Cornewall coldly asks, "Who saw her die?" and as nobody is ready to make the same answer as the fly in the nursery legend,—as Virginius and Icilius did not write the story down on a parchment roll, or carve it on a table of brass,—he will have nothing to say to any of them. "That the basis" of the decemviral story "is real, need not be doubted."<sup>1</sup> But that is all, how much is real basis, how much is imaginary superstructure, Sir Cornewall Lewis cannot undertake to determine.

To that large body of English scholars who have been brought up at the feet of Niebuhr, but who have since learned partially to reject his authority, there will be found something unsatisfactory, or perhaps more truly something disappointing, in Mommsen's way of dealing with the kings and the early republic. The spell of Niebuhr's fascination is one not easily broken: it is, in fact, much more than a spell, the faith with which we looked up to him in our youth was exaggerated, but it was not wholly misplaced. Sir G. C. Lewis has, beyond all doubt, done a permanent service to historical truth by convicting Niebuhr of an enormous amount of error in detail—of inaccuracies, inconsistencies, hasty inductions, instances of arrogant dogmatism, but we cannot think that he has shown Niebuhr's general system to be a wrong one. His method, at once destructive and constructive, is surely essentially sound. His doctrine that the current statement, probably far removed from literal truth, still contains a basis of truth, Sir Cornewall Lewis himself does not venture wholly to deny. That a process, not indeed of "divination," but of laborious examination and sober reflection, may in many cases distinguish the truth from the falsehood, does not seem in itself unreasonable. Our own belief is, that Niebuhr's arrogant and self-sufficient dogmatism did but damage a cause which was essentially sound. Sir G. C. Lewis, while successfully demolishing the outworks, has made, in our judgment, no impression upon Niebuhr's main fortress. In such a state of mind, we cannot help looking at every page of the early

<sup>1</sup> *Credibility of Early Roman History*, vol. II p. 292.

Roman history as essentially matter of controversy; every step must be taken warily, no assertion must either be lightly accepted or lightly rejected, and no decision come to without weighing the arguments on one side and the other. It is therefore somewhat disappointing, not to say provoking, when in Mommsen's history of this period we find difficulties passed over *sicco pede*; when we find statements made which sometimes command our assent, sometimes excite our incredulity, but which, in either case, we never heard before, and Mommsen's grounds for adopting which we should, in either case, like to know. It is easy to see that Mommsen is quite capable of defending his own ground against either Niebuhr or Sir G. C. Lewis. We feel sure that he has gone carefully through every point of controversy in his own mind; we only wish that we ourselves might be admitted to witness the process as well as the result. We attribute no sort of blame to Mommsen for a defect which is inseparable from the scale and nature of his work. To have treated the whole subject controversially, to have examined every statement at length and cited every authority in full, would have swelled the book to an extent which would have been quite unpalatable either to the "upper classes of public schools" or to the "weitere Kreise" of the German advertisement. But it has the effect of rendering this part of Mommsen's work less valuable to the professed scholar than either that which precedes or that which follows it. He shines most in one portion in which he himself exercises a "divination" as ingenious and more sound than that of Niebuhr, and in another in which the whole business of the historian is to narrate and to comment upon facts whose general truth has never been called in question. The two subjects in dealing with which Mommsen has been most successful, and in truth equally successful, are the prehistoric age of the Italian nations, and the processes, military and diplomatic, by which a single city of one of them attained to universal empire. It is greatly to his credit that he should have achieved such striking success in two subjects requiring such different modes of treatment.

It was from the chapters on the first subject, first published in an English translation, that we first became acquainted with Mommsen's history, and formed our own impression of its merits. And though these chapters are, we think, the very best portion of the book, yet the impression thus formed has not on the whole been diminished

by our present more extended acquaintance with its original form. These chapters form one of the very best applications that we have ever seen of the growing science of comparative philology. They show how much we may learn, from evidence which cannot deceive, of the history of nations for ages before a single event was committed to writing. We are thus enabled to go back to days earlier even than those which are, in a manner, chronicled by poetry and tradition. In the Homeric poems we have our first written record of the Greek people, a record undoubtedly setting before us a real state of things, and, far more probably than not, some real events and some real persons. But the whole is embellished with so much that is clearly fabulous that we cannot undertake to assert how much of truth there is at the bottom. We can hardly doubt that Greeks in a certain stage of social progress, warred on the coast of Asia, their leader may very probably have been a king of Mycenæ, and he is just as likely to have been called Agamemnon as anything else. The Homeric poems probably contain far more of real history than this, but much farther than this we cannot venture to go, the very abundance of our materials overwhelms us. But comparative philology goes far beyond the tale of Troy, far beyond the settlement of the Hellenes in the land of the many islands and of all Argos. And its evidence is the surest evidence of all, evidence thoroughly unconscious. Comparative philology and pre-historic archaeology do for man what geology does for his dwelling-place.

We do not remember to have read anything for a long time past with a more intense interest than these portions of Mommsen's book. His general conclusions with regard to the earliest inhabitants of Italy are these. Ancient Italy contained three distinct races: 1st, the Iapygians in the south; 2nd, those whom Mommsen distinctively calls "Italians" in the middle, and 3rd, the Etruscans in the north and north-west. Their geographical position would seem to show that this was the order in which the three nations entered the peninsula. Of the Iapygians we know but little, history presents them to us only in a decaying state, and all we know of their language is derived from certain as yet uninterpreted inscriptions. This evidence, however, tends to show that their language was Arian, distinct from the Italian,<sup>1</sup> and

<sup>1</sup> We are here merely expressing Mommsen's views, without binding ourselves either to accept or to refute them. We think, however, that he

possessing certain affinities with the Greek. With this also, falls in the fact that in historic times they adopted Greek civilisation with extraordinary ease. The Italians of Mommsen's nomenclature are the historical inhabitants of the greater portion of the peninsula. This is the nation the history — of whose tongue and government becomes identical with that of civilised man; for of their language the most finished type is the Latin, and of their cities the greatest was Rome. The Etruscans Mommsen holds to be totally alien from the Italian nations; their language is probably Arian, but that is all that can be said. He rejects the story of their Lydian origin, and seems inclined to look upon Rhætia as the cradle of their race. He makes two periods of the Etruscan language, of which the former one is to be found in those inscriptions on vases at Cære, or Agylla, which Mr. Francis Newman<sup>1</sup> quotes as Pelasgian. Into the interminable Pelasgian controversy Mommsen hardly enters at all. For that controversy turns almost wholly on points of legend or tradition, hardly at all on comparative philology. On the other hand, he passes by in silence yet more complete some theories the evidence adduced for which is wholly of a philological kind. We mean the theory, supported by Mr. Newman and others,<sup>2</sup> which sees a Celtic, and specially a Gaelic element in the old Italian population, and that<sup>3</sup> which supposes a race of Basque or Iberian aborigines to have occupied Italy before the entrance of its historical inhabitants.

The Italians, in Mommsen's special sense, were then a people closely allied to the Hellenes, and had made considerable advances in cultivation before the two stocks separated. The Italian stock again divides itself into two, the Latin and the Umbro-Samnite, the difference between which he compares to that between Ionic and Doric Greek. The Umbro-Samnite again divides itself into the Oscan and the Umbrian, analogous, according to our author, to the Doric of Sicily and the Doric of Sparta. In Mommsen's own words:

"Each of these philological phenomena (Spracherscheinungen) is the result of, and the testimony to, an historical event; it may be inferred from them with complete certainty that a stock was separated from the common parent-stem of peoples and languages

should at least have noticed the apparent identity of the names *Iapyges*, *Apuli*, and *Opici*, which, so far as it goes, tells against him.

<sup>1</sup> *Regal Rome*, p. 7. It is certainly hard to see how this sort of language can, as Mommsen supposes, have developed into the later Etruscan.

<sup>2</sup> *Ibid.*, pp. 17 et seqq.

<sup>3</sup> See Prichard, iii. 43.

which included within itself the ancestors at once of the Greeks and of the Italians, that from this stock next the Italians branched away, and that they again parted into the Western and Eastern stock and then the Eastern again into the Umbrians and Oscans. Where and when these separations took place, language certainly cannot tell us, and scarce does our audacious thought dare try to grope its way along the course of these revolutions (*diesen Revolutionen ahnend zu folgen*), of which the earliest doubtless happened long before that immigration which led the forefathers of the Italians across the Apennines.

Rome is, according to Mommsen, a city purely Latin, and the head of Latium. The Tiber was at once the boundary of Latium against the Etruscan stranger, and the natural highway for the primitive commerce of the early Latins. The site of Rome thus marks it out as at once the commercial capital of Latium and the great bulwark of the land against the Etruscan. Such were the earliest duties of Rome. It may have been merely by a happy accident that one of the Latin cities was placed on a site which enabled it to assume them, it may have been founded expressly to discharge them, either by the common will of the Latin confederacy, or by the wisdom of some clear sighted founder of unrecorded times. Rome may have been either the eldest or the youngest of Latin cities. But probability seems greatly in favour of her being rather the child than the parent of the League. All tradition represents Rome as an Alban—that is a Latin, colony. As soon as we get anything like a glimpse of real history, we find Rome essentially a Latin city, we find her unmistakably predominant among the cities of Latium. But Rome is not only far greater than any other Latin city, she appears as something in a manner outside the League, in the very position, in short, likely to be assumed by a younger state which had outstripped its elders. She is a Latin city, she is closely connected with the other Latin cities, but she is hardly an integral member of their confederacy, in the times of her greatest recorded weakness she treats with the League as an equal, the single city of Rome is placed on an equal footing with the aggregate of the other thirty. And from the advantage which a single powerful state always has over a confederacy of smaller ones, the equal alliance between Rome and Latium grew into a practical supremacy of Rome over Latium. Rome under her kings clearly possessed this power, and if she lost it by her revolution, she recovered it by the league of Spurius Cassius. Rome and Latium were formerly equal allies, the Hernicans

were united in the league on the same terms; but it is impossible to doubt that Rome was the soul of the confederacy during the whole time of its existence. The Æquian and Volscian invasions, again, fell far more heavily upon the Latin allies than upon Rome herself. Many Latin cities were wholly lost, others were greatly weakened. These processes would of course greatly increase the proportionate importance of Rome; they would bring the Latins to look more and more to Rome as the natural head of their nation, and to demand, not independence, but union on closer and juster terms. The demands of the Latin allies at the outbreak of the great Latin War are a sufficient commentary on the relations between Rome and Latium. The feeling towards Rome was clearly that of excluded citizens under an oligarchy, rather than that of an oppressed nation under a foreign government. They do not ask to shake off the Roman yoke, to forsake the Roman alliance; they ask instead to become wholly Roman themselves. They are ready to abolish the Latin name and the separate existence of the Latin League. Their demands are almost identical with those of the plebeians in Rome itself hardly a generation earlier. As the Licinian laws required one consul to be a plebeian, the Latins now require that one consul shall be a Latin. The senate was to be half Latin; the Latin cities would probably have assumed the position of Roman tribes. Terms like these Rome held it beneath her dignity to grant; but after the conquest of Latium, the mass of the Latin nation did gradually acquire Roman citizenship in one way or another. This is, in short, the constantly repeated history of Rome and her allies, from the earliest to the latest period. Men do not seek to get rid of Rome as their ruler; they wish to become Romans, and, in that character, to help to rule both themselves and others. The first recorded struggle, that between patrician and plebeian, is in its origin much more truly a struggle between distinct nations than between different orders in the same nation. But the demand of the plebeians is not to abolish the patrician government, but to obtain a share in it for themselves. It is only in some desperate moment, when every demand is refused, that they resort to the extreme measure of a "secession;" that is, in short, of leaving Rome, and founding a new city for themselves.

To the struggle between patrician and plebeian succeeds the struggle between Roman and Latin; the Latin

is only driven into a war against Rome when he cannot obtain his desire of incorporation with Rome. The Samnite wars, including those with their Etruscan, Gaulish and Epeirot allies reduce the whole of Italy to the condition of dependent alliance with Rome. Italy is now gradually Latinised, but at the same time the yoke of Rome is found to be no light one. But no indications appear of any desire to throw it off, except in such strange exceptional cases as the solitary revolts of Falerii and Iregellæ. The Italians gradually assume the feelings of Romans, like the plebeians like the Latins, they demand not independence but complete incorporation. The claims of the Italian allies formed one of the most important political questions of the seventh century of the city. The rights of the Italians, admitted by the best men both of the senatorial and of the democratic party, were opposed to the vulgar prejudices of Senate and People alike. When each party had equally failed them then the allies took arms, not for Samnite or Marsian independence but for a new Rome of their own a premature republican Constantinople, the city Italy.

This new Rome, like the old had its senate its consuls, its prætors, its citizenship shared by every member of an allied commonwealth. Like the Latins of the fifth century, the Italians of the seventh were at last admitted piecemeal to the rights for which they contended. Every Italian was now a Roman, save where Hellenic influence had taken permanent root, all Italy was now Latinised. But by this time vast regions out of Italy had begun to be Latinised also. Latin civilisation spread over Spain Gaul, and Africa, the policy of the Emperors tended to break down the distinction between citizen and provincial and at length the franchise of the Roman city was extended to all the subjects of the Roman empire. Western Europe became thoroughly Romanised, even the Greek and his eastern proselytes became Roman in political feeling, and gloried in that Roman name which some of them still retain. In Syria and Egypt alone did the old national feelings abide. Elsewhere, save some wild tribe here and there, the Mediterranean world was wholly Roman. Its unity was constantly rent by civil wars by the claims of rival Emperors, by peaceful division between imperial colleagues. But from the Atlantic to Mount Taurus no Roman citizen thought of divesting himself of his Roman character. Emperors reigned in Gaul and Britain, but they were not Gallic

or British sovereigns; they were still Roman Cæsars, holding a portion of the Roman Empire, and striving after the possession of the whole. During the whole history of Rome, both Old and New, from the first mythical King to the last phantom Emperor, it would be hard to find a case of a city or province, once thoroughly incorporated into the Roman system, which voluntarily separated itself from its Roman allegiance. Provinces might helplessly submit to foreign conquerors, but they never asserted their own national independence.<sup>1</sup> Till Monophysite Egypt welcomed a deliverer in the Mussulman Arab, it does not appear that barbarian invaders ever met with actual co-operation within the Roman territory. Italy, indeed, in the seventh century of our era, revolted against the Eastern Emperor, and gave herself of her own free will to a Frankish master; but he came as a Roman Patrician, a Roman Cæsar, to assert the rights of the Old Rome against the usurpations of the New. Through the whole of this long series of centuries, all who come in contact with the original Romulean city—the plebeian, the Latin, the Italian, at last the inhabitants of the whole Mediterranean world—all gradually obtained the Roman name; and none of them willingly forsook it.

The workings of a law which remained in full force for above two thousand years have carried us far away from Mommsen's immediate subject. And yet we have perhaps not mentioned the earliest instance of its working. Rome, as we have said, is in his view strictly a Latin city. He indignantly rejects the notion of the Romans being a mongrel race, "ein Mischvolk," a union of elements from the three great races of Italy. Of the three old patrician tribes, the Titienses are, indeed, probably of Sabine origin; but they were Sabines thoroughly Latinised, who at most, as other incorporated nations did in later times, introduced some Sabine rites into the Roman religion. The really Latin character of Rome was no more affected than when, under the early Republic, the Sabine Attus Clausus, with his clan and following, were converted into the Claudian tribe. Here, then, in days totally unrecorded, before the struggles of Latin or of plebeian, we find the first instance of that inherent power of assimilation or incorpora-

<sup>1</sup> Whether the so-called revolt of Britain and Armorica in the fifth century is to be counted as a solitary exception, depends on two very difficult questions: 1st, How far had Britain and Armorica really become Roman? 2nd, What is the meaning of the not very intelligible narrative in the last book of Zosimus?

tion on the part of the Roman commonwealth, which continued alike under kings consuls, and Cæsars. The legend of Romulus is, in Mommsen's view, a comparatively late one, as is shown by the name of the eponymous hero being formed from the later form of the name of the city and people. The oldest form is not *Romani*, but *Ramnes*, that of the first patrician tribe, and that form points to the name of the Eternal City as being originally synonymous with our own Woottons and Bushburys "so dass der Name *Roma* oder *Rama* vielleicht ursprünglich die Wald- oder Buschstadt bezeichnet."

The other point, besides the primeval archæology, where we thought Mommsen's treatment of his subject worthy of special admiration was what we may call the diplomatic history of Rome. In Rome's gradual acquisition of universal empire two great stages are marked, the complete subjugation of Italy, and the conquest of Macedonia at the battle of Pydna. Our author quite rejects the notion that any deliberate and systematic scheme of universal dominion actuated the Roman Senate and People through successive centuries. War and conquest were undoubtedly as agreeable to them as they have commonly been to most other nations; but their distant acquisitions were in some cases almost forced upon them, and they continually drifted into foreign wars as much through the result of circumstances as from any deliberate intent. Thus it would certainly seem to have been throughout the period of Rome's greatest glory Rome was at the true summit of her greatness, within and without, in the fifth and sixth centuries of her existence. The days of her early dissensions were over, those of her later dissensions had not yet arrived. The old political struggle between patrician and plebeian had become a thing of the past, the far more fearful struggle between rich and poor was still a thing of the future. The Romans of those ages not only knew how to win victories they had learned the far harder lesson how to endure defeat. The victories of Pyrrhus and Hannibal would have broken the spirit of almost every other nation of any age. But the endurance of Rome was never shaken, she could endure to proclaim publicly in her forum, "We have been overcome in a great battle," and her senators could go forth to thank the defeated demagogue<sup>1</sup> who had not despaired of the Republic.

<sup>1</sup> Mommsen seems to us unduly harsh on M. Terentius Varro, as well as on C. Flaminius. Arnold does them far more justice.

Her political constitution may seem an anomaly; the sovereign senate side by side with the no less sovereign popular assembly, the consul all-powerful to act, the tribune all-powerful to forbid, may seem inconsistent, impracticable, unable to be worked. But the proof is in two centuries with nothing worthy to be called a civil commotion; the proof is in the conquest of Italy, in the repulse of Pyrrhus and of Hannibal, in tributary Carthage and tributary Macedonia. What the Roman system in these ages really was, is shown by the men whom it provided; men always great enough, and never too great; men ready to serve their country, but never dreaming of enslaving it. What was the true Roman national being is revealed to us in the hereditary virtues of the Decii and the Fabii, in the long-descended Scipio and in the lowly-born Curius and Regulus; we see it allied with Grecian culture in Titus Quinctius Flaminius, and standing forth in old Italian simplicity in Marcus Porcius Cato. Rome in these ages bore her full crop of statesmen and soldiers, magistrates and orators, ready to be the rulers of one year and the subjects of the next. But as yet she produced neither a traitor nor a tyrant, nor, in any but the older and nobler sense, a demagogue. We are not quite sure that Mommsen does full justice to this splendid period; he understands, but he does not always feel; his narrative constantly seems cold and tame after that of Arnold. We miss the brilliant picture of the great men of the fifth century,<sup>1</sup> we miss the awful vision of Hannibal,<sup>2</sup> we miss the pictures of Gracchus and his enfranchised slaves, and of Nero's march to the "fateful stream" of the Metaurus. Both tell us how the old Marcellus died by a snare which a youth might have avoided; but in how different a strain! Mommsen gives us, indeed, the facts with all truth and clearness:

"When out on an insignificant reconnaissance, both consuls were surprised by a party of African cavalry; Marcellus, already a sexagenarian, fought boldly the unequal battle till he sank dying from his horse; Crispinus escaped, but died of the wounds received in the skirmish."<sup>3</sup>

Turn we now to Arnold:

"Crispinus and the young Marcellus rode in covered with blood and followed by the scattered survivors of the party; but Marcellus, six times consul, the bravest and stoutest of soldiers, who had

<sup>1</sup> Arnold, ii. 272.

<sup>2</sup> *Ibid.*, iii. 70.

<sup>3</sup> Mommsen, ii. p. 161.

dedicated the spoils of the Gaulish king slain by his own hand to Jupiter Feretrius in the Capitol was lying dead on a nameless hill, and his arms and body were Hannibal's.

The policy of Rome during these two glorious ages had according to Mommsen for its primary object first the acquisition and then the retention of a firm dominion in Italy. Its dealings with the provinces and with foreign states were simply means to secure this primary end. Italy was won, its various states were reduced to the condition of dependent allies. This condition deprived them of all practical sovereignty and made them in all their external relations the passive subjects of Rome. But they retained their own communal governments: they served Rome with men not with money, and Rome's constant wars gave their individual citizens many opportunities of acquiring both wealth and honour. Doubtless as they had constantly more and more to do with distant nations they began to feel a wider Italian patriotism and to glory in the triumphs which they helped to win for the greatest of Italian cities. This feeling on the one hand and on the other hand the occasional excesses of Roman officers in more degenerate times combined to bring about that yearning after full Roman citizenship which we have so often mentioned already. The old Latin League no longer existed, it had partly vanished from the earth partly had been incorporated with Rome. But its place was in a manner filled by those Latin colonies: those children of Rome which for some not very apparent reason were invested with the Latin and not the full Roman franchise. These were in fact Roman garrisons scattered over the peninsula serving to watch over the allied states and to keep them in due dependence. Such was the state of things from the Rubicon to the Strait of Messina. But the full and safe possession of Italy involved something more. Italy had no natural frontier nearer than the Alps. Cisalpine Gaul had therefore to be conquered. And looking beyond the Adriatic and the Libyan Sea Rome had to settle her relations with the Carthaginian republic and the Macedonian kingdom. The balance of power was in those days an idea altogether unknown. To a modern statesman transported into the third century B.C. the great problem would have been to preserve such a balance between Rome, Carthage and Macedonia. No rational English, French or Russian diplomatist wishes to make any one of the

other countries subject or tributary to his own; his object is not positively to weaken the rival state, but merely to repress any undue encroachment. But from a Roman point of view, for Rome to be strong, it was necessary that Carthage and Macedonia should be absolutely weak. It may possibly be doubted whether the modern system does not bring about just as many material evils as the other; but the theory is quite different. A war between Rome and Carthage could terminate only in the destruction, or at least the deep humiliation, of one or other of the contending powers. But let France and Austria go to war to-morrow, and the result will not be that either Paris or Vienna will cease to be the capital of a powerful and independent state; those who pay the price will be the unhappy scapegoats of Lombardy or Wallachia. But in the view of a Roman statesman, Italy could only be strong at the direct expense of Carthage and Macedonia.

A first war with Rome, like a modern war, involved at most only pecuniary compensation, or the loss of a distant dependency; but a second carried with it the loss of political independence; a third involved total destruction. Thus the first Punic war cost Carthage Sicily and Sardinia, the second made Carthage a dependent state, the third swept her away from the face of the earth. The first Macedonian war had results little more than diplomatic; the second reduced Macedonia to a dependent condition; the third annihilated the kingdom, cutting it up into four separate commonwealths; the fourth, if it deserve the name, made Macedonia a Roman province. The difference in the processes of the two conquests is a good commentary on Mommson's theory. The problem was for Rome to preserve a direct and unshaken dominion over Italy; everything beyond was only means to this end. But Sicily and Sardinia were natural appendages of Italy; their possession by a state of equal rank might be directly dangerous. Rome therefore required their cession; that of Sicily by the terms of peace with Carthage, that of Sardinia as the price of its continuance a few years after. Their possession was almost as necessary as the possession of Cisalpine Gaul. But Macedonia had no such threatening possessions. The first treaty with Philip was concluded nearly on equal terms; the Macedonian frontier was simply "rectified" by the loss of some points and the addition of others. Macedonia, again, had to pass through a more gradual descent than Carthage. Even the third war, the war of Pydna, did

not involve desolation or even formal incorporation with the Roman dominion, clearly because Macedonia had sent no Hannibal to Cannæ, and her total humiliation was not so clearly an Italian necessity as that of Carthage.

The original Roman system then was to maintain direct rule in Italy, to tolerate no equal power but to weaken all neighbouring states to reduce them to what Mommsen calls the *condition of clientage*. But it is evident that this system could not fail to lead Rome more and more into the vortex of distant conquest. It is just like our own dominion in India, where we have our immediate provinces and our client princes exactly analogous to those of Rome. In either case when intermeddling has once begun there is no way to stop it. Policy, or even sheer self-defence leads to one conquest, that conquest leads to another, till at last annexation is loved for its own sake the independent state becomes a dependency, and the dependency becomes a province. The Roman policy of surrounding Italy with a circle of weak states did not answer, it exposed her all the sooner to the necessity of a struggle with the powerful states which still remained behind. Make Macedonia first a dependency and then a province, that process only involves the next stage of doing the like by Syria do the like by Syria, that only involves an attempt to do the like by Parthia with which the like cannot be done. In this last particular case Mommsen shows very clearly that the result of the Roman policy was most hurtful alike to the immediate interests of Rome and to the general interests of the world. The monarchy of the *Seleucidæ* the truest heirs of Alexander's empire whatever else it was was at least, then and there champion of European cultivation. It was the bulwark of the West against the East the successor of Multiades and Agesilaos the precursor of Leo the Isaurian and Don John of Austria. Now the policy of Rome brought the Syrian monarchy to precisely that point in which the King of Antioch could not defend his own eastern borders and in which it was not as yet either the palpable duty or the palpable interest of Rome to defend them for him. The effect of this is pointed out by Mommsen in a brilliant passage which shows how well he understands the relation of his own immediate subject to the general history of the world.

This transposition (*Umwandlung*) of international relations in central Asia is the turning point in the history of antiquity. In place of the flowing tide of peoples which had hitherto poured from

West to East, and which had found its last and highest expression in the great Alexander, the ebb now begins. From the date of the foundation of the Parthian kingdom all the Hellenic elements, which might yet have held their ground in Bactria and on the Indus, are not only lost, but even western Iran shrinks back again into the track abandoned centuries ago, but not yet obliterated. *The Roman Senate sacrifices the first essential fruit of the policy of Alexander, and therewith initiates that reactionary movement whose last offshoots end in the Alhambra of Granada and in the great Mosque of Constantinople.* So long as the country from Ragæ and Persepolis to the Mediterranean still obeyed the King of Antiochia, so long Rome's power too extended to the border of the Great Desert; the Parthian kingdom, not because it was so very powerful, but because its centre of gravity was far away from the coast, in central Asia, could never become one of the dependencies of the Mediterranean empire. Since the time of Alexander, the world had belonged to the Western nations alone, and the East appeared to be, in relation to them, only what America and Australia became in later times in relation to the European nations. With Mithridates I. the East again entered the circle of political movement. The world had again two masters."<sup>1</sup>

But mixed up with much of the policy of Rome's eastern dealings there was, according to Mommsen, a large amount of what would nowadays be called philhellenic feeling. That the Roman senate, as Bishop Thirlwall says, surpassed all recorded governments in diplomatic skill, we can readily admit; and yet it need not be necessary to attribute all their doings to some unfathomably subtle line of policy. To hold that Rome acted, through a long series of years, on a deliberate plan of gradual conquest; that she systematically made use of her allies, and cast them off when they were done with; that she formed a league with a state with the settled purpose of reducing it to a dependency in the next generation, and to a province in the generation after that,—is really attributing to what is, after all, an abstraction rather too much of the attributes of a living and breathing man. The characteristics both of the Roman nation and of particular Roman families have so strong a tendency to pass on from father to son, that Rome does assume something more like a personal existence than almost any other state. Venice and Bern are the two nearest parallels in recent times. But the policy even of

<sup>1</sup> Vol. iii. p. 60. We are not quite sure, however, that Mommsen has not too closely identified the Parthian dominion with the native Persian race and religion. The rise of Parthia was, as he describes it, a great reaction of the East against the West. But the Parthians seem to have been not quite impervious either to Christianity or to Greek cultivation. The final blow was struck by the re-establishment of a really national Persian state in the third century A.D.

Rome or Venice still, after all, means the policy of the men who at successive times took the lead in the Roman and Venetian republics. Even in those grave senates everything was not so much matter of precedent and tradition that no fluctuating circumstances no individual passions could ever affect their deliberations. States like individuals—for the decisions of states are really *the decisions of individuals*—commonly act from mixed motives, and as most men would feel no small difficulty in analysing their own motives, we may feel still more difficulty in analysing those of the Roman senate. So much generosity as to exclude all care for self, so much selfishness as to exclude all thought for others are both of them the exception in human affairs. Act generously, provided it does not seriously damage yourself, is we fancy, the commonest rule both with rulers and with private men.

There is no occasion to suppose that when Flaminius proclaimed liberty to Greece it was mere hypocrisy on the part either of him or of his government. But we cannot suppose that either Flaminius or the Roman senate would have knowingly sacrificed a jot of Rome's real power or real interest to any dream of philhellenic generosity. It is easy, however, to see that a strong philhellenic feeling did really exist in the mind of Flaminius and of many other Romans of his day. Greece was then newly opened to Roman inquirers, Greek civilisation and literature were beginning to make a deep impression upon the Roman mind both for good and for evil. The famous cities of Greece were already places of intellectual pilgrimage. The natural result was that, for at least a generation, both Greek allies and Greek enemies received better treatment than allies or enemies of any other race. Achaia and Athens were favoured and, as it were, humoured to the highest degree not clearly inconsistent with Roman interests. But the tide must have turned considerably before Mummius destroyed Corinth, even before L. Aemilius Paullus was required, against his will to destroy the Epeiriot cities. The phenomenon may well have been analogous to one of our own days with regard to the same land. A generation back men looked for results from the emancipation of Greece which were utterly extravagant and chimerical. The fashion is now to decry everything to do with independent Greece, and to deny the real progress she has made because impossible expectations have not been realised. In short, a generation of Mummius has, among ourselves, succeeded to a generation

of Flaminini. Mommsen, we should observe, by no means shares or approves of the philhellenism of the victor of Kynoskephalai. He has throughout a way of dealing more freely with established heroes, of casting about censure with a more unsparing hand, than is altogether consistent with the sort of vague and half superstitious reverence with which one cannot help regarding the men of old. Indeed, he sometimes passes from criticism and censure into the regions of actual sarcasm, almost of mockery; he deliberately quizzes "Plutarch's men" with as little compunction as *Punch* quizzes the men of our own time. Contemporary events have brought this home very strongly to our mind. While reading Mommsen's account of what we may call the Lord High Commissionership of T. Quinctius Flamininus, we could more than once have fancied we were reading an attack in the *Times* or the *Saturday Review* on him whom modern Hellas delights to honour as ὁ περίφημος καὶ φιλέλλην Γλάδστων.

Mommsen, following Polybius, makes the battle of Pydna one great stage in his history. Rome's work of conquest was now practically over; there remained little to do but to gather in the spoil. She had yet many battles to fight, many provinces to win, but there was no longer any Mediterranean power able to contend with her on equal terms for the lordship of the Mediterranean world. And now she began to show how little adapted her constitution was to administer a universal empire. Men generally look to this period of Roman history for arguments for or against monarchy, aristocracy, or democracy. Possibly all such may be found; but the most truly distinctive lesson which it teaches is one into which those questions do not immediately enter. That lesson is one which, to the nineteenth century, has become almost matter of curiosity; but it was a practical one as long as Venice ruled over Corfu and Kephallenia, as long as the Pays de Vaud obeyed the mandates of the oligarchy of Bern. That lesson is this, one well set forth by Mommsen in several passages, that a municipal government is unfitted to discharge imperial functions. Such a municipal government may be either aristocratic or democratic; but in either case it governs solely in the interest of the ruling city. It need not be tyrannical—Bern was eminently the reverse; but the subject states, the provinces or dependencies, have no share in their own government, and their interest is not the object of those who rule them. This warning will of course apply to all states possessing colonies

or dependencies, but the cause is not the same. The Roman government with its senate, its popular assembly, its annually elected magistrates, was a government essentially municipal; it was fitted only for the government of a single city. It had, indeed, as if its founders had foreseen the danger, something of a representative element from the beginning. The ruling principle of the ancient city governments, aristocratic and democratic alike, was, we need hardly say, that every member of the ruling class be that class the widest democracy or the narrowest oligarchy, should have his personal share in the government, should give his direct vote in the sovereign assembly. But the territory of the Roman city extended, at a very early period, over a region far too wide to have allowed every Roman citizen to have habitually appeared in the *comitia*. Had the voting gone by heads the residents in the city would have had it all their own way. This was obviated by the tribe system. Each of the thirty-five tribes had one vote. On the day of election or legislation, half a dozen citizens from a distant tribe had the same voice as the hundreds or thousands of a nearer one. In fact, as Niebuhr suggests, those half-dozen rural voters might really be the chosen delegates of the hundreds or thousands of their neighbours. Hence the importance of the legislation of Appius Claudius and of the counter-legislation of Fabius and Decius. Appius divided the freedmen, the (*turba forensis*) the Lambeth and Tower Hamlets of Rome, among all the then existing tribes, that is, he put the votes of all the tribes into their hands. Fabius and Decius removed them all into the four city tribes so that they could command four votes only.

Even with this modification, the Roman popular assembly became what it never became at Athens a body utterly unmanageable, which could only cry "Yea, yea" to the proposals of the magistrates and in which debate was out of the question. (And, after all senate and assembly alike represented purely Roman interests; the allies still less the provinces, had no voice in either.) It was as if the liverymen of London passed laws and appointed to offices for the whole United Kingdom. Under the municipal system of Rome there was no remedy. Had Italy and the world been received into the old tribes or mapped out into new ones, it would only have made the assembly yet more unwieldy than it was already. A representative or a federal system would have solved the problem without any sacrifice of liberty. But

a representative system the ancient world never knew; though the Achaian, the Lycian, though, as we have seen, the Roman system itself, hovered on the verge of it. Federalism was, indeed, at work in its most perfect form in Lycia and Achaia; but it would have been in vain to ask Roman pride to have allowed conquered nations to set up senates and assemblies of equal rank with those of Rome herself. The monarchy of the Cæsars cut the knot another way: the provincial could not be raised to the level of the citizen, but the citizen could be degraded to the level of the provincial. They both now found a common master. The provincials no doubt benefited by the change. It is, indeed, true that the municipal origin of the Roman Empire, and the covert way in which monarchy gradually crept in under republican forms, caused the capital to retain an undue importance, and made first Rome and then Constantinople to flourish at the cost of the provinces. But the evil was far less under the Empire than under the Republic. The best Emperors did what they could to govern in the interest of the whole Empire, and the worst Emperors were most terrible to those to whom they were nearest. The overthrow of the Roman Republic, the establishment of the Cæsarean despotism, was the overthrow of the very life of the Roman city; but to the Roman Empire it was a bitter remedy for a yet more bitter disease. It proves nothing whatever in favour of despotism against liberty; it establishes no law that democracy must lead to military monarchy. Athens and Schwitz had to bend to foreign invaders; but no Prytanis or Landamman ever accomplished a *coup-d'état*. What it does prove is, that a single city cannot govern an empire; that for a subject province one master is less formidable than 700,000. Those 700,000 citizens were, among themselves, a frantic mob rather than a legitimate democracy: as against the millions of Roman subjects from the Atlantic to the Euphrates, they were an oligarchy as narrow and exclusive as if they had all been written in the Golden Book of Venice.

The experience of the last age of Roman history proves nothing against any form of liberty, be it Athenian democracy, English monarchy, or Swiss or Achaian federalism. If it gives us any immediate practical warning, it is a warning against the claims of overgrown capitals. It has lately become the fashion to call the seat of government the "metropolis," and the rest of the kingdom the "provinces;" names unknown

to English law, and alien to all English feeling. If we begin to give eight members to the Tower Hamlets, the words may possibly begin to have a meaning, and Manchester and Arundel, Caithness and Tipperary may alike have to look out for a Fabius and a Decius to deliver them from the *turba forensis* of a single overgrown city.

[Although the references to the quotations from Mommsen in this introduction are made to refer to the present edition the wording will be found to differ slightly, as they are Freeman's own translation.]

The following is a list of the works of Theodor Mommsen —

Chief Works. *Ad Legem de Scribis et viatoribus et de auctoritate* 1843, *De Collegis et Sodalicis Romanorum*, 1843, *Die römischen Tribus in administrativer Beziehung*, 1844, *Oskische Studien*, 1845, Supplement, 1846, *Epigraphische Analecten*, 1849, etc., *Die Unteritalischen Dialekte*, 1850, *Geschichte des römischen Munzwesens* 1850, 2nd edition, 1860, *Ueber den Chronographen vom Jahre 354*, 1850, *Römische Urkunden*, 1850, *Inscriptiones regni Neapolitani Latinae*, 1851, *Das Edit Diokletian*, 1851, 1893, *Die Römische Feldmesser*, 1852, *Voluntus Maeciani dis tributio partium*, 1853, *Inscriptiones Confoederationis Helveticae Latinae*, 1854, *Römische Geschichte*, 1854 7, and many later editions, *Die Stadtrechte der lateinischen Gemeinden Salpensa ti Malaca* 1855, *Die Rechtsfrage Zwischen Caesar und dem Senat*, 1857, *Die Römische Chronologie bis auf Caesar*, 1858, 2nd edition, 1860, *Juris Antejustiniani fragmenta*, 1861, *Verzeichniss der römischen Provinzen Aufgesetzt um 297*, 1862, *Römische Forschungen*, 1863, *Res Gestae divi Augusti*, 1865, *Justiniani Digestorum seu Pandectarum libri*, 1866, etc., *Römisches Staatsrecht*, 1871, etc., *Observationes epigraphicae*, 1872, etc., *Das Militär system Caesars*, 1877, *Jordanis Romana et Getica* (edited by), 1882, *Conscriptionsordnung der Römischen Kaiserzeit*, 1884, *Das römische militärwesen seit Diocletian* 1889, *Chronica Minora Saeculi iv v vi. vii*, 1891 (edited by). Many of Mommsen's writings appeared first in *Mem Soc Royale de Saxe*.

Mommsen was chief editor of *Corpus inscriptionum latinarum*, 1863, etc., and joint editor of *Collectio Librorum juris Antejustiniani*, 1884 etc.

Among the works edited by him were — *Polemii Silvii Laterculi*, 1857, *C. Julii Solini Collectanea*, 1864, 1895, *Plinii Epistulae et panegyricus*, 1870, the *History of Cassiodorus* and *Epistulae Theodericianae*, and works by Eusebius.

WORKS — Collected Edition, with preface by H. O. Hirschfeld, 1905, etc. *English Translation of History* — W. P. Dickson, 4 vols 1860 75, new revised edition, 5 vols, 1894, *The Provinces from Caesar to Diocletian*, 2 vols 1868 86, Dickson's translation, revised by F. Haverfeld, 2 vols, 1909, *The Earliest Inhabitants of Italy* (from the *History*), translated by G. Robertson, 1858.

/ Abridged edition by C. Bryans and F. J. R. Hendy, 1888.

## EXTRACT FROM DR. MOMMSEN'S PREFACE

THE Varronian computation by years of the City is given as well as the corresponding year before the birth of Christ—the u.c. being above and the B.C. below the line.

In calculating the corresponding years, the year 1 of the City has been assumed as identical with the year 753 B.C., and with Olymp. 6, 4; although, if we take into account the circumstance that the Roman solar year began with the 1st day of March, and the Greek with the 1st day of July, the year 1 of the City would according to more exact calculation correspond to the last ten months of 753 and the first two months of 752 B.C., and to the last four months of Ol. 6, 3 and the first eight of Ol. 6, 4.

The Roman and Greek money has uniformly been commuted on the basis of assuming the libral *as* and *sestertius*, and the *denarius* and Attic *drachma*, respectively as equal, and taking for all sums above 100 *denarii* the present value in gold, and for all sums under 100 *denarii* the present value in silver, of the corresponding weight. The Roman pound (=327.45 *grammes*) of gold, equal to 4000 sesterces, has thus, according to the ratio of gold to silver 1:15.5, been reckoned at 304½ Prussian *thalers* [about £43], and the *denarius*, according to the value of silver, at 7 Prussian *groschen* [about 8d.].<sup>1</sup>

<sup>1</sup> [I have deemed it, in general, sufficient to give the value of the Roman money approximately in round numbers, assuming for that purpose 100 sesterces as equivalent to £1.—Tr.]

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## BOOK FIRST

### THE PERIOD ANTERIOR TO THE ABOLITION OF THE MONARCHY

Τὰ παλαιότερα σαφῶς μὲν εὐρεῖν διὰ χρόνου πλῆθος ἄδύνατα ἔν τε δὲ  
τεκμηρίων ὧν ἐπὶ μακρότατον σκοποῦντι μοι πιστεῦσαι ξυμβαίνει οὐ μεγάλα  
νομίζω γενέσθαι, οὔτε κατὰ τοῦ πολέμου οὔτε ἐν τὰ ἄλλα

THUCYDIDES.



# THE HISTORY OF ROME

## BOOK FIRST

### CHAPTER I

#### INTRODUCTION

THE Mediterranean Sea with its various branches, penetrating far into the great Continent, forms the largest gulf of the ocean, and, alternately narrowed by islands or projections of the land and expanding to considerable breadth, at once separates and connects the three divisions of the Old World. The shores of this inland sea were in ancient times peopled by various nations belonging in an ethnographical and philological point of view to different races, but constituting in their historical aspect one whole. This historic whole has been usually, but not very appropriately, entitled the history of the ancient world. It is in reality the history of civilisation among the Mediterranean nations, and, as it passes before us in its successive stages, it presents four great phases of development—the history of the Coptic or Egyptian stock dwelling on the southern shore, the history of the Aramæan or Syrian nation which occupied the east coast and extended into the interior of Asia as far as the Euphrates and Tigris, and the histories of the twin peoples, the Hellenes and Italians, who received as their heritage the countries on the European shore. Each of these histories was in its earlier stages connected with other regions and with other cycles of historical evolution, but each soon entered on its own distinctive career. The surrounding nations of alien or even of kindred extraction—the Berbers and Negroes of Africa, the Arabs, Persians, and Indians of Asia, the Celts and Germans of Europe—came into manifold contact with the peoples inhabiting the borders of the Mediterranean, but they neither imparted unto them nor received from them any influences exercising decisive effect on their respective destinies. So far, therefore, as cycles of culture admit of demarcation at all, the cycle which has its culminating points denoted by the names Thebes, Carthage, Athens, and Rome, may be regarded as an unity. The four

nations represented by these names, after each of them had attained in a path of its own a peculiar and noble civilisation, mingled with one another in the most varied relations of reciprocal intercourse, and skilfully elaborated and richly developed all the elements of human nature. At length their cycle was accomplished. New peoples who hitherto had only laved the territories of the states of the Mediterranean, as waves lave the beach, overflowed both its shores, severed the history of its south coast from that of the north, and transferred the centre of civilisation from the Mediterranean to the Atlantic Ocean. The distinction between ancient and modern history, therefore, is no mere accident, nor yet a mere matter of chronological convenience. What is called modern history is in reality the formation of a new cycle of culture, connected in several stages of its development with the perishing or perished civilisation of the Mediterranean states, as this was connected with the primitive civilisation of the Indo-Germanic stock, but destined, like the earlier cycle, to traverse an orbit of its own. It too is destined to experience in full measure the vicissitudes of national weal and woe, the periods of growth, of maturity, and of age, the blessedness of creative effort in religion, polity, and art, the comfort of enjoying the material and intellectual acquisitions which it has won, perhaps also, some day, the decay of productive power in the satiety of contentment with the goal attained. And yet this goal will only be temporary: the grandest system of civilisation has its orbit, and may complete its course; but not so the human race, to which, just when it seems to have reached its goal, the old task is ever set anew with a wider range and with a deeper meaning.

Our aim is to exhibit the last act of this great historical drama, to relate the ancient history of the central peninsula projecting from the northern continent into the Mediterranean. It is formed by the mountain-system of the Apennines branching off in a southern direction from the western Alps. The Apennines take in the first instance a south-eastern course between the broader gulf of the Mediterranean on the west, and the narrow one on the east; and in the close vicinity of the latter they attain their greatest elevation, which, however, scarce reaches the line of perpetual snow, in the Abruzzi. From the Abruzzi the chain continues in a southern direction, at first undivided and of considerable height; after a depression which forms a hill-country, it splits into a somewhat flattened succession of heights towards the south-east and a more rugged chain towards

the south, and in both directions terminates in the formation of narrow peninsulas

The flat country on the north, extending between the Alps and the Apennines as far down as the Abruzzi, does not belong geographically, nor until a very late period even historically, to the southern land of mountain and hill, the Italy whose history is here to engage our attention. It was not till the seventh century of the city that the coast-district from Sinigaglia to Rimini, and not till the eighth that the basin of the Po, became incorporated with Italy. The ancient boundary of Italy on the north was not the Alps but the Apennines. This mountain-system nowhere rises abruptly into a precipitous chain, but, spreading broadly over the land and enclosing many valleys and table lands connected by easy passes, presents conditions which well adapt it to become the settlement of man. Still more suitable in this respect are the adjacent slopes and the coast-districts on the east, south, and west. On the east coast the plain of Apulia, shut in towards the north by the mountain block of the Abruzzi and only broken by the steep isolated ridge of Garganus, stretches in an uniform level with but a scanty development of coast and stream. On the south coast, between the two peninsulas in which the Apennines terminate, extensive lowlands, poorly provided with harbours but well watered and fertile, adjoin the hill-country of the interior. The west coast presents a far-stretching domain intersected by considerable streams, in particular by the Tiber, and shaped by the action of the waves and of the once numerous volcanoes into manifold variety of hill and valley, harbour and island. Here the regions of Etruria, Latium, and Campania, form the very flower of the land of Italy. South of Campania, the land in front of the mountains gradually diminishes, and the Tyrrhenian Sea almost washes their base. Moreover, as the Peloponnesus is attached to Greece, so the island of Sicily is attached to Italy—the largest and fairest isle of the Mediterranean, having a mountainous and partly desert interior, but gift, especially on the east and south, by a broad belt of the finest coast land, mainly the result of volcanic action. Geographically the Sicilian mountains are a continuation of the Apennines, hardly interrupted by the narrow “rent” (Πήγγιον) of the straits, and in its historical relations Sicily was in earlier times quite as decidedly a part of Italy as the Peloponnesus was of Greece,—a field for the struggles of the same races, and the seat of a similar superior civilisation.

The Italian peninsula resembles the Grecian in the temperate

climate and wholesome air that prevail on the hills of moderate height, and on the whole, also, in the valleys and plains. In development of coast it is inferior; it wants, in particular, the island-studded sea which made the Hellenes a seafaring nation. Italy on the other hand excels its neighbour in the rich alluvial plains and the fertile and grassy mountain-slopes, which are requisite for agriculture and the rearing of cattle. Like Greece it is a noble land which calls forth and rewards the energies of man, opening up alike for restless adventure the way to distant lands and for quiet exertion modes of peaceful gain at home.

But, while the Grecian peninsula is turned towards the east, the Italian is turned towards the west. As the coasts of Epirus and Acarnania had but a subordinate importance in the case of Hellas, so had the Apulian and Messapian coasts in that of Italy; and, while the regions on which the historical development of Greece has been mainly dependent—Attica and Macedonia—look to the east, Etruria, Latium, and Campania look to the west. In this way the two peninsulas, so close neighbours and almost sisters, stand as it were averted from each other. Although the naked eye can discern from Otranto the Acroceraunian mountains, the Italians and Hellenes came into earlier and closer contact on every other pathway rather than on the nearest across the Adriatic Sea. In their instance, as has happened so often, the historical vocation of the nations was prefigured in the relations of the ground which they occupied; the two great stocks, on which the civilisation of the ancient world grew, threw their shadow as well as their seed, the one towards the east, the other towards the west.

We intend here to relate the history of Italy, not simply the history of the city of Rome. Although, in the formal sense of political law, it was the civic community of Rome which gained the sovereignty first of Italy and then of the world, such a view cannot be held to express the higher and real meaning of history. What has been called the subjugation of Italy by the Romans appears rather, when viewed in its true light, as the consolidation into an united state of the whole Italian stock—a stock of which the Romans were doubtless the most powerful branch, but still were a branch only.

The history of Italy falls into two main sections: (1) its internal history down to its union under the leadership of the Latin stock, and (2) the history of its sovereignty over the world. Under the first section, which will occupy the first two books, we shall have to set forth the settlement of the Italian

stock in the peninsula, the imperilling of its national and political existence, and its partial subjugation, by nations of other descent and older civilisation, Greeks and Etruscans, the rebellion of the Italians against the strangers, and the annihilation or subjection of the latter, finally, the struggles between the two chief Italian stocks, the Latins and the Samnites, for the hegemony of the peninsula, and the victory of the Latins at the end of the fourth century before the birth of Christ—or of the fifth century of the city. The second section opens with the Punic wars, it embraces the rapid extension of the dominion of Rome up to and beyond the natural boundaries of Italy, the long *status quo* of the imperial period, and the collapse of the mighty empire. These events will be narrated in the third and following books.

## CHAPTER II

### THE EARLIEST MIGRATIONS INTO ITALY

WE have no information, not even a tradition, concerning the first migration of the human race into Italy. It was the universal belief of antiquity that in Italy, as well as elsewhere, the first population had sprung from the soil. We leave it to the province of the naturalist to decide the question of the origin of different races, and of the influence of climate in producing their diversities. In an historical point of view it is neither possible, nor is it of any importance, to determine whether the oldest recorded population of a country were autochthones or immigrants. But it is incumbent on the historical inquirer to bring to light the successive strata of population in the country of which he treats, in order to trace, from as remote an epoch as possible, the gradual progress of civilisation to more perfect forms, and the suppression of races less capable of, or less advanced in, culture by nations of higher standing.

Italy is singularly poor in memorials of the primitive period, and presents in this respect a remarkable contrast to other fields of civilisation. The results of Germanic antiquarian research lead to the conclusion that in England, France, the North of Germany and Scandinavia, before the settlement of the Indo-Germans in those lands, there must have dwelt, or rather roamed, a people, perhaps of Mongolian race, gaining their subsistence by hunting and fishing, making their implements of stone, clay, or bones, adorning themselves with the teeth of animals and with amber, but unacquainted with agriculture and the use of the metals. In India, in like manner, the Indo-Germanic settlers were preceded by a dark-coloured population less susceptible of culture. But in Italy we neither meet with fragments of a supplanted nation, such as the Finns and Lapps in the Celto-Germanic domain and the black tribes in the Indian mountains; nor have any remains of an extinct primitive people been hitherto pointed out there, such as appear to be revealed in the peculiarly-formed skeletons, the places of assembling, and the burial mounds of what is called the stone-period of Germanic antiquity. Nothing has hitherto been brought to light to warrant the supposition that mankind

—existed in Italy at a period anterior to the knowledge of agriculture and of the smelting of the metals, and if the human race ever within the bounds of Italy really occupied the level of that primitive stage of culture which we are accustomed to call the savage state, every trace of such a fact has disappeared.

Individual tribes, or in other words, races or stocks, are the constituent elements of the earliest history. Among the stocks which in later times we meet with in Italy, the immigration of some, of the Hellenes for instance, and the denationalisation of others, such as the Bruttians and the inhabitants of the Sabine territory, are historically attested. Setting aside both these classes, there remain a number of stocks whose wanderings can no longer be traced by means of historical testimony, but only by *a priori* inference, and whose nationality cannot be shown to have undergone any radical change from external causes. To establish the national individuality of these is the first aim of our inquiry. In such an inquiry had we nothing to fall back upon but the chaotic mass of names of tribes and the confusion of what professes to be historical tradition, the task might well be abandoned as hopeless. The conventionally received tradition, which assumes the name of history, is composed of a few serviceable notices by civilised travellers, and a mass of mostly worthless legends, which have usually been combined with little discrimination of the true character either of legend or of history. But there is another source of tradition to which we may resort, and which yields information fragmentary but authentic, we mean the indigenous languages of the stocks settled in Italy from time immemorial. These languages, which have grown with the growth of the peoples themselves, have had the stamp of their process of growth impressed upon them too deeply to be wholly effaced by subsequent civilisation. One only of the Italian languages is known to us completely, but the remains which have been preserved of several of the others are sufficient to afford a basis for historical inquiry regarding the existence, and the degrees, of family relationship among the several languages and peoples.

In this way philological research teaches us to distinguish three primitive Italian stocks, the Iapygian, the Etruscan, and that which we shall call the Italian. The last is divided into two main branches,—the Latin branch, and that to which the dialects of the Umbri, Marsi, Volsci, and Samnites belong.

As to the Iapygian stock, we have but little information. At the south-eastern extremity of Italy, in the Messapian or

Calabrian peninsula, inscriptions in a peculiar extinct language<sup>1</sup> have been found in considerable numbers; undoubtedly remains of the dialect of the Iapygians, who are very distinctly pronounced by tradition also to have been different from the and Latin and Samnite stocks. Statements deserving of credit numerous indications lead to the conclusion that the same language and the same stock were indigenous also in Apulia. What we at present know of this people suffices to show clearly that they were distinct from the other Italians, but does not suffice to determine what position should be assigned to them and to their language in the history of the human race. The inscriptions have not yet been, and it is scarcely to be expected that they ever will be, deciphered. The genitive forms, *aihi* and *ihi*, corresponding to the Sanscrit *asya* and the Greek *οιο*, appear to indicate that the dialect belongs to the Indo-Germanic family. Other indications, such as the use of the aspirated consonants and the avoiding of the letters *m* and *t* as terminal sounds, show that this Iapygian dialect was essentially different from the Italian and corresponded in some respects to the Greek dialects. The supposition of an especially close affinity between the Iapygian nation and the Hellenes finds further support in the frequent occurrence of the names of Greek divinities in the inscriptions, and in the surprising facility with which that people became Hellenised, presenting a striking contrast to the shyness in this respect of the other Italian nations. Apulia, which in the time of Timaeus ( $\frac{4}{3}\frac{0}{0}$ )<sup>2</sup> was still described as a barbarous land, had in the sixth century of the city become a province thoroughly Greek, although no direct colonisation from Greece had taken place; and even among the ruder stock of the Messapii there are various indications of a similar tendency. With the recognition of such a general family relationship or peculiar affinity between the Iapygians and Hellenes (a recognition, however, which by no means goes so far as to warrant our taking the Iapygian language to be a rude dialect of Greek), investigation must rest content, at least in the meantime, until some more definite and better assured result be attainable.<sup>3</sup>

<sup>1</sup> Some of the epitaphs may give us an idea of its sound; as *θεοτορας αρτα-  
ηιαηι bennarrihino* and *dazihonas platorrihi bollihi*.

<sup>2</sup> In all cases throughout this work the Varonian computation by years of the City is given, as also the corresponding year before the birth of Christ—the v.c. above and the b.c. below the line.

<sup>3</sup> The hypothesis has been put forward of an affinity between the Iapygian language and the modern Albanian; based, however, on points of linguistic comparison that are but little satisfactory in any case, and least of all where a fact of such importance is involved. Should this relation-

The lack of information, however, is not much felt, for this race, already on the decline at the period when our history begins, comes before us only when it is giving way and disappearing. The character of the Iapygian people little capable of resistance, easily merging into other nationalities, agrees well with the hypothesis, to which their geographical position adds probability, that they were the oldest immigrants or the historical autochthones of Italy. There can be no doubt that all the primitive migrations of nations took place by land, especially such as were directed towards Italy, the coast of which was accessible by sea only to skilful sailors and on that account was still in Homer's time wholly unknown to the Hellenes. But if the earlier settlers came over the Apennines, then, as the geologist infers the origin of mountains from the stratification, the historical inquirer may hazard the conjecture that the stocks pushed furthest towards the south were the oldest inhabitants of Italy, and it is just at its extreme south-eastern verge that we meet with the Iapygian nation.

The middle of the peninsula was inhabited, as far back as reliable tradition reaches, by two peoples or rather two branches of the same people, whose position in the Indo-Germanic family admits of being determined with greater precision than that of the Iapygian nation. We may with propriety call this people the Italian, since upon it rests the historical significance of the peninsula. It is divided into the two branch stocks of the Latins and the Umbrians, the latter including their southern offshoots, the Marsians and Samnites, and the colonies sent forth by the Samnites in historical times. The philological analysis of the idioms of these stocks has shown that they together constitute a link in the Indo-Germanic chain of languages, and that the epoch in which they still formed an unity is a comparatively late one. In their system of sounds there appears the peculiar spirant *f*, in the use of which they agree with the Etruscans, but decidedly differ from all Hellenic and Helleno-barbaric races as well as from the Sanscrit itself. The aspirates, again, which are retained by the Greeks throughout, and the harsher of them also by the Etruscans, were originally foreign ship be confirmed and should the Albanians on the other hand—a race also Indo-Germanic and on a par with the Hellenic and Italian races—be really a remnant of that Helleno-barbaric nationality traces of which occur throughout all Greece and especially in the northern provinces the nation that preceded the Hellenes would be demonstrated as identical with that which preceded the Italians. Still the inference would not immediately follow that the Iapygian immigration to Italy had taken place across the Adriatic Sea.

to the Italians, and are represented among them by one of their elements—either by the media, or by the breathing alone *f* or *h*. The finer spirants, *s*, *w*, *j*, which the Greeks dispense with as much as possible, have been retained in the Italian languages almost unimpaired, and have been in some instances still further developed. The throwing back of the accent and the consequent destruction of terminations are common to the Italians with some Greek stocks and with the Etruscans; but among the Italians this was done to a greater extent than among the former, and to a lesser extent than among the latter. The excessive disorder of the terminations in the Umbrian certainly had no foundation in the original spirit of the language, but was a corruption of later date, which appeared in a similar although weaker tendency also at Rome. Accordingly in the Italian languages short vowels are regularly dropped in the final sound, long ones frequently: the concluding consonants, on the other hand, have been tenaciously retained in the Latin and still more so in the Samnite; while the Umbrian drops even these. In connection with this we find that the middle voice has left but slight traces in the Italian languages, and a peculiar passive formed by the addition of *r* takes its place; and further that the majority of the tenses are formed by composition with the roots *es* and *fu*, while the richer terminational system of the Greeks along with the augment enables them for the most part to dispense with auxiliary verbs. While the Italian languages, like the Aeolic dialect, gave up the dual, they retained universally the ablative which the Greeks lost, and for the most part also the locative. The rigorous logic of the Italians appears to have taken offence at the splitting of the idea of plurality into that of duality and of multitude; while they have continued with much precision to express the relations of words by inflections. A feature peculiarly Italian, and unknown even to the Sanscrit, is the mode of imparting a substantive character to the verb by gerunds and supines,—a process carried out more completely here than in any other language.

These examples selected from a great abundance of analogous phenomena suffice to establish the individuality of the Italian stock as distinguished from the other members of the Indo-Germanic family, and at the same time show it to be linguistically the nearest relative, as it is geographically the next neighbour, of the Greek. The Greek and the Italian are brothers; the Celt, the German, and the Slavonian are their cousins. The essential unity of all the Italian as of all the Greek

dialects and stocks must have dawned early and clearly on the consciousness of the two great nations themselves, for we find in the Roman language a very ancient word of enigmatical origin, *Graius* or *Graicus*, which is applied to every Greek, and in like manner amongst the Greeks the analogous appellation Ὀπικός, which is applied to all the Latin and Samnite stocks known to the Greeks in earlier times, but never to the Iapygians or Etruscans

Among the languages of the Italian stock, again, the Latin stands in marked contrast with the Umbro-Samnite dialects. It is true that of these only two, the Umbrian and the Samnite or Oscan, are in some degree known to us, and these even in a manner extremely defective and uncertain. Of the rest some, such as the Marsian and the Volscian, have reached us in fragments too scanty to enable us to form any conception of their individual peculiarities or to classify the varieties of dialect themselves with certainty and precision, while others, like the Sabine, have, with the exception of a few traces preserved as dialectic peculiarities in provincial Latin, completely disappeared. A conjoint view, however, of the facts of language and of history leaves no doubt that all these dialects belonged to the Umbro-Samnite branch of the great Italian stock, and that this branch, although much more closely related to Latin than to Greek, was very decidedly distinct from the Latin. In the pronoun and other cases frequently the Samnite and Umbrian used *p* where the Roman used *q*, as *pis* for *quis*, just as languages otherwise closely related are found to differ, for instance, *p* is peculiar to the Celtic in Brittany and Wales, *k* to the Gaelic and Erse. Among the vowel sounds the diphthongs in Latin and in the northern dialects generally appear very much destroyed, whereas in the southern Italian dialects they have suffered little, and connected with this is the fact, that in composition the Roman weakens the radical vowel otherwise so strictly preserved,—a modification which does not take place in the kindred group of languages. The genitive of words in *a* is in this group as among the Greeks *as*, among the Romans in the matured language *ae*, that of words in *us* is in the Samnite *eis*, in the Umbrian *es*, among the Romans *ei*, the locative disappeared more and more from the language of the latter, while it continued in full use in the other Italian dialects, the dative plural in *bus* is extant only in Latin. The Umbro-Samnite infinitive in *um* is foreign to the Romans, while the Osco-Umbrian future formed from the root *es* after the Greek fashion

(*her-est* like λέγ-σω) has almost, perhaps altogether, disappeared in Latin, and its place is supplied by the optative of the simple verb or by analogous formations from *fuō* (*amabo*). In many of these instances, however—in the forms of the cases, for example—the differences only exist in the two languages when fully formed, while at the outset they coincide. It thus appears that, while the Italian language holds an independent position by the side of the Greek, the Latin dialect within it bears a relation to the Umbro-Samnite somewhat similiar to that of the Ionic to the Doric; and the differences of the Oscan and Umbrian and kindred dialects may be compared with the differences between the Dorism of Sicily and the Dorism of Sparta.

Each of these linguistic phenomena is the result and the attestation of an historical event. With perfect certainty they guide us to the conclusion, that from the common cradle of peoples and languages there issued a stock which embraced in common the ancestors of the Greeks and the Italians; that from this, at a subsequent period, the Italians branched off; and that these again divided into the western and eastern stocks, while at a still later date the eastern became subdivided into Umbrians and Oscans.

When and where these separations took place, language of course cannot tell; and scarce may adventurous thought attempt to grope its conjectural way along the course of those revolutions, the earliest of which undoubtedly took place long before that migration which brought the ancestors of the Italians across the Apennines. On the other hand the comparison of languages, when conducted with accuracy and caution, may give us an approximate idea of the degree of culture which the people had reached when these separations took place, and so furnish us with the beginnings of history, which is nothing but the development of civilisation. For language, especially in the period of its formation, is the true image and organ of the degree of civilisation attained; its archives preserve evidence of the great revolutions in arts and in manners, and from its records the future will not fail to draw information as to those times regarding which the voice of direct tradition is dumb.

During the period when the Indo-Germanic nations which are now separated still formed one stock speaking the same language, they attained a certain stage of culture, and they had a vocabulary corresponding to it. This vocabulary the several nations carried along with them, in its conventionally established use, as a common dowry and a foundation for further

structures of their own. In it we find not merely the simplest terms denoting existence, actions, perceptions, such as *sum*, *do*, *pater*, the original echo of the impression which the external world made on the mind of man, but also a number of words indicative of culture (not only as respects their roots, but in a form stamped upon them by custom) which are the common property of the Indo-Germanic family, and which cannot be explained either on the principle of an uniform development in the several languages, or on the supposition of their having subsequently borrowed one from another. In this way we possess evidence of the development of pastoral life at that remote epoch in the unalterably fixed names of domestic animals, the Sanscrit *gaus* is the Latin *bos*, the Greek *βοῦς*, Sanscrit *avis* is the Latin *avis*, Greek *ὄϊς*, Sanscrit *agras*, Latin *equus*, Greek *ἵππος*, Sanscrit *hañsas*, Latin *anser*, Greek *χην*, Sanscrit *atis*, Latin *anas*, Greek *νῆσσα*, in like manner *pecus*, *sus*, *porcus*, *laurus*, *canis*, are Sanscrit words. Even at this remote period accordingly the stock, on which from the days of Homer down to our own time the intellectual development of mankind has been dependent, had already advanced beyond the lowest stage of civilisation, the hunting and fishing epoch, and had attained at least comparative fixity of abode. On the other hand, we have as yet no certain proofs of the existence of agriculture at this period. Language rather favours the negative view. Of the Latin Greek names of grain none occurs in Sanscrit with the single exception of *ζέα*, which philologically represents the Sanscrit *yavas*, but denotes in the Indian barley, in Greek spelt. It must indeed be granted that this diversity in the names of cultivated plants, which so strongly contrasts with the essential agreement in the appellations of domestic animals, does not absolutely preclude the supposition of a common original agriculture. In the circumstances of primitive times transport and acclimatising are more difficult in the case of plants than of animals, and the cultivation of rice among the Indians, that of wheat and spelt among the Greeks and Romans, and that of rye and oats among the Germans and Celts, may all be traceable to a common system of primitive tillage. On the other hand the name of one cereal common to the Greeks and Indians only proves, at the most, that before the separation of the stocks they gathered and ate the grains of barley and spelt growing wild in Mesopotamia,<sup>1</sup> not that they already cultivated

<sup>1</sup> Barley wheat and spelt were found growing together in a wild state on the right bank of the Euphrates north west from Anah (Alph. de Can.

grain. While, however, we reach no decisive result in this way, a further light is thrown on the subject by our observing that a number of the most important words bearing on this province of culture occur certainly in Sanscrit, but all of them in a more general signification. *Agras* among the Indians denotes a level surface in general; *kûrnu*, anything pounded; *aritrām*, oar and ship; *venas*, that which is pleasant in general, particularly a pleasant drink. The words are thus very ancient; but their more definite application to the field (*ager*), to the grain to be ground (*granum*), to the implement which furrows the soil as the ship furrows the surface of the sea (*aratrum*), to the juice of the grape (*vinum*), had not yet taken place when the earliest division of the stocks occurred, and it is not to be wondered at that their subsequent applications came to be in some instances very different, and that, for example, the corn intended to be ground, as well as the mill for grinding it (Gothic *quairmus*, Lithuanian *girnôs*<sup>1</sup>), received their names from the Sanscrit *kûrnu*. We may accordingly assume it as probable, that the primeval Indo-Germanic people were not yet acquainted with agriculture, and as certain, that, if they were so, it played but a very subordinate part in their economy; for had it at that time held the place which it afterwards held among the Greeks and Romans, it would have left a deeper impression upon the language.

On the other hand the building of houses and huts by the Indo-Germans is attested by the Sanscrit *dam(as)*, Latin *domus*, Greek *δῶμος*; Sanscrit *veṇas*, Latin *vicus*, Greek *οἶκος*; Sanscrit *dvaras*, Latin *fores*, Greek *θύρα*; further, the building of oar-boats by the names of the boat, Sanscrit *nâus*, Latin *navis*, Greek *ναῦς*, and of the oar, Sanscrit *aritrām*, Greek *ἑρμῆς*, Latin *remus*, *tri-res-mis*; and the use of waggons and the breaking in of animals for draught and transport by the Sanscrit *akshas* (axle and cart), Latin *axis*, Greek *ἄξων*, *ἄμ-αξα*; Sanscrit *iugam*, Latin, *iugum*, Greek *ζυγόν*. The words signifying clothing—Sanskrit *vastra*, Latin *vestis*, Greek *ἑσθῆς*; and sewing—Sanskrit *siv*, Latin *suo*; Sanscrit *nah*, Latin *neo*, Greek *νήθω*, are alike in all Indo-Germanic languages. This cannot, however, be equally affirmed of the higher art of weaving.<sup>2</sup> The know-

dolle, *Géographie Botanique Raisonnée*, ii. p. 934). The growth of barley and wheat in a wild state in Mesopotamia had already been mentioned by the Babylonian historian Berosus (*ap. Georg. Syncell*, p. 50, *Bonn*).

<sup>1</sup> [Scotch *quern*. Mr. Robertson.]

<sup>2</sup> If the Latin *vico*, *vimen*, belong to the same root as our *weave* (German. *weben*) and kindred words, the word must still, when the Greeks and Italians separated, have had the general meaning "to plait," and it cannot have been until a later period, and probably in different regions inde-

ledge of the use of fire in preparing food, and of salt for seasoning it, is a primeval heritage of the Indo-Germanic nations, and the same may be affirmed regarding the knowledge of the earliest metals employed as implements or ornaments by man. At least the names of copper (*æs*) and silver (*argentum*), perhaps also of gold, are met with in Sanscrit, and these names can scarcely have originated before man had learned to separate and to utilise the ores, the Sanscrit *asis*, Latin *ensis*, points in fact to the primeval use of metallic weapons.

No less do we find extending back into those times the fundamental ideas on which the development of all Indo Germanic states ultimately rests, the relative position of husband and wife, the arrangement in clans, the priesthood of the father of the household and the absence of a special sacerdotal class as well as of all distinctions of caste in general, slavery as a legitimate institution, the days of publicly dispensing justice at the new and full moon. On the other hand the positive organisation of the body politic, the decision of the questions between regal sovereignty and the sovereignty of the community, between the hereditary privilege of royal and noble houses and the unconditional legal equality of the citizens, belong altogether to a later age.

Even the elements of science and religion show traces of a community of origin. The numbers are the same up to one hundred (Sanskrit *śatam*, *ēkaśatam*, Latin *centum*, Greek, *ἑκατόν*, Gothic *hund*), and the moon receives her name in all languages from the fact that men measure time by her (*mensis*). The idea of Deity itself (Sanskrit *dēvas*, Latin *deus*, Greek *θεός*), and many of the oldest conceptions of religion and of natural symbolism, belong to the common inheritance of the nations. The conception, for example, of heaven as the father and of earth as the mother of being, the festal expeditions of the gods who proceed from place to place in their own chariots along carefully levelled paths, the shadowy continuation of the soul's existence after death, are fundamental ideas of the Indian as well as of the Greek and Roman mythologies. Several of the gods of the Ganges coincide even in name with those worshipped on the Ilissus and the Tiber — thus the Uranus of the Greeks

pendently of each other, that it assumed that of "weaving." The cultivation of flax old as it is, does not reach back to this period, for the Indians, though well acquainted with the flax plant, up to the present day use it only for the preparation of linseed oil. Hemp probably became known to the Italians at a still later period than flax, at least *cannabis* looks quite like a borrowed word of later date.

is the Varunas, their Zeus, Jovis pater, Diespiter is the Djâus pitâ of the Vedas. An unexpected light has been thrown on many an enigmatical form in the Hellenic mythology by recent researches regarding the earlier divinities of India. The hoary mysterious forms of the Erinnyes are no Hellenic invention; they were immigrants along with the oldest settlers from the East. The divine greyhound *Saramâ*, who guards for the Lord of heaven the golden herd of stars and sunbeams and collects for him the nourishing rain-clouds as the cows of heaven to the milking, and who moreover faithfully conducts the pious dead into the world of the blessed, becomes in the hands of the Greeks the son of *Saramâ*, *Saramêyas*, or *Hermeias*; and the enigmatical Hellenic story of the stealing of the cattle of *Helios*, which is beyond doubt connected with the Roman legend about *Cacus*, is now seen to be a last echo (with the meaning no longer understood) of that old fanciful and significant conception of nature.

The task, however, of determining the degree of culture which the Indo-Germans had attained before the separation of the stocks properly belongs to the general history of the ancient world. It is on the other hand the special task of Italian history to ascertain, so far as it is possible, what was the state of the Graeco-Italian nation when the Hellenes and the Italians parted. Nor is this a superfluous labour; we reach by means of it the stage at which Italian civilisation commenced, the starting-point of the national history.

While it is probable that the Indo-Germans led a pastoral life and were acquainted with the cereals, if at all, only in their wild state, all indications point to the conclusion that the Graeco-Italians were a grain-cultivating, perhaps even a vine-cultivating, people. The evidence of this is not simply the knowledge of agriculture itself common to both, for this does not upon the whole warrant the inference of community of origin in the peoples who may exhibit it. An historical connection between the Indo-Germanic agriculture and that of the Chinese, Aramaean, and Egyptian stocks can hardly be disputed; and yet these stocks are either alien to the Indo-Germans, or at any rate became separated from them at a time when agriculture was certainly still unknown. The truth is, that the more advanced races in ancient times were, as at the present day, constantly exchanging the implements and the plants employed in cultivation; and when the annals of China refer the origin of Chinese agriculture to the introduction of five species

of grain that took place under a particular king in a particular year, the story undoubtedly depicts correctly, at least in a general way, the relations subsisting in the earliest epochs of civilisation. A common knowledge of agriculture, like a common knowledge of the alphabet, of war chariots, of purple, and other implements and ornaments, far more frequently warrants the inference of an ancient intercourse between nations than of their original unity. But as regards the Greeks and Italians, whose mutual relations are comparatively well known, the hypothesis that agriculture as well as writing and coinage first came to Italy by means of the Hellenes may be characterised as wholly inadmissible. On the other hand, the existence of a most intimate connection between the agriculture of the one country and that of the other is attested by their possessing in common all the oldest expressions relating to it, *ager*, ἀγρός, *aro aratrum*, ἀρώστρον, *ligo* alongside of λαχαίνω, *hortus*, χορτος, *hordeum*, κριθή, *milium*, μελίμη, *rapa*, ῥαφανίς, *milia*, μαλάχη, *vinum*, οἶνος. It is likewise attested by the agreement of Greek and Italian agriculture in the form of the plough, which appears of the same shape on the old Attic and the old Roman monuments, in the choice of the most ancient kinds of grain, millet, barley, spelt, in the custom of cutting the ears with the sickle and having them trodden out by cattle on the smooth beaten threshing floor, lastly, in the mode of preparing the grain *puls* πολτός, *pinso* πρίσσω, *mola* μύλη, for baking was of more recent origin, and on that account dough or pap was always used in the Roman ritual instead of bread. That the culture of the vine too in Italy was anterior to the earliest Greek immigration, is shown by the appellation "wine land" (Οἰνωπρία), which appears to reach back to the oldest visits of Greek voyagers. It would thus appear that the transition from pastoral life to agriculture, or, to speak more correctly, the combination of agriculture with the earlier pastoral economy, must have taken place after the Indians had departed from the common cradle of the nations, but before the Hellenes and Italians dissolved their ancient communion. Moreover, at the time when agriculture originated, the Hellenes and Italians appear to have been united as one national whole not merely with each other, but with other members of the great family, at least, it is a fact, that the most important of those terms of cultivation, while they are foreign to the Asiatic members of the Indo Germanic family, are used by the Romans and Greeks in

common with the Celtic as well as the Germanic, Slavonic, and Lithuanian stocks.<sup>1</sup>

The distinction between the common inheritance of the nations and their own subsequent acquisitions in manners and in language is still far from having been wrought out in all the variety of its details and gradations. The investigation of languages with this view has scarcely begun, and history still in the main derives its representation of primitive times, not from the rich mine of language, but from what must be called for the most part the rubbish-heap of tradition. For the present, therefore, it must suffice to indicate the differences between the culture of the Indo-Germanic family in its earliest entirety, and the culture of that epoch when the Graeco-Italians still lived together. The task of discriminating the results of culture which are common to the European members of this family, but foreign to its Asiatic members, from those which the several European groups, such as the Graeco-Italian and the Germano-Slavonic, have wrought out for themselves, can only be accomplished, if at all, after greater progress has been made in philological and historical inquiries. But there can be no doubt that, with the Graeco-Italians as with all other nations, agriculture became and in the mind of the people remained the germ and core of their national and of their private life. The house and the fixed hearth, which the husbandman constructs instead of the light hut and shifting fireplace of the shepherd, are represented in the spiritual domain and idealised in the goddess Vesta or *Ἑστία*, almost the only divinity not Indo-Germanic yet from the first common to both nations. One of the oldest legends of the Italian race ascribes to king Italus, or, as the Italians must have pronounced the word, Vitalus or Vitulus, the introduction of the change from a pastoral to an agricultural life, and shrewdly connects with it the original

<sup>1</sup> Thus *aro*, *aratrum* reappear in the old German *aran* (to plough, dialectically *eren*), *erida*, in Slavonic *orati*, *oradlo*, in Lithuanian *arti*, *arimnas*, in Celtic *ar*, *aradar*. Thus alongside of *ligo* stands our *rake* (German *rechen*), of *hortus* our *garden* (German *garten*), of *mola* our *mill* (German *mühle*, Slavonic *mlyn*, Lithuanian *malunas*, Celtic *malin*).

With all these facts before us, we cannot allow that there ever was a time when the Greeks in all Hellenic cantons subsisted by purely pastoral husbandry. If it was the possession of cattle, and not of land, which in Greece as in Italy formed the basis and the standard of all private property, the reason of this was not that agriculture was of later introduction, but that it was at first conducted on the system of joint possession. Of course a purely agricultural economy cannot have existed anywhere before the separation of the stocks; on the contrary, pastoral husbandry was (more or less according to locality) combined with it to an extent relatively greater than was the case in later times.

Italian legislation We have simply another version of the same belief in the legend of the Samnite race which makes the ox the leader of their primitive colonies, and in the oldest Latin national names which designate the people as reapers (*Siculi*, perhaps also *Sicanī*), or as field labourers (*Opisci*) It is one of the characteristic incongruities which attach to the so-called legend of the origin of Rome, that it represents a pastoral and hunting people as founding a city Legend and faith laws and manners, among the Italians as among the Hellenes are throughout associated with agriculture<sup>1</sup>

Cultivation of the soil cannot be conceived without some measurement of it, however rude Accordingly, the measures of surface and the mode of setting off boundaries rest, like agriculture itself, on a like basis among both peoples The Oscan and Umbrian *orsus* of one hundred square feet corresponds exactly with the Greek *plethron* The principle of marking off boundaries was also the same The land measurer adjusted his position with reference to one of the cardinal points, and proceeded to draw in the first place two lines, one from north to south, and another from east to west, his station being in their point of intersection (*templum*, *τεμενος* from *τεμνω*), then he drew at certain fixed distances lines parallel to these, and by this process produced a series of rectangular pieces of ground, the corners of which were marked by boundary posts (*termini*, in Sicilian inscriptions *τερμινες*, usually *ὄροι*) This mode of defining boundaries, which is indeed also Etruscan but is hardly of Etruscan origin, we find among the Romans, Umbrians, Samnites, and also in very ancient records of the Tarentine Heracleots, who are as little likely to have borrowed it from the Italians as the Italians from the Tarentines it is an ancient possession common to all A peculiar characteristic of the Romans, on the other hand, was their rigid carrying out of the principle of the square, even where the sea or a river formed a natural boundary, they did not accept it, but wound up their allocation of the land with the last complete square

It is not solely in agriculture, however, that the especially

<sup>1</sup> Nothing is more significant in this respect than the close connection of agriculture with marriage and the foundation of cities during the earliest epoch of culture Thus the gods in Italy immediately concerned with marriage are Ceres and (or?) Tellus (Plutarch *Romul* 22 Servius on *Aen.* iv 166 Roszbach *Rom Ehe* 257 301) in Greece Demeter (Plutarch *Conjug Praec inst*) in old Greek formulas the procreation of children is called *ἄσπορος* (p 24 note) indeed the oldest Roman form of marriage *confarreatio* derives its name and its ceremony from the cultivation of corn The use of the plough in the founding of cities is well known

close relationship of the Greeks and Italians appears; it is unmistakably manifest also in the other provinces of man's earliest activity. The Greek house, as described by Homer, differs little from the model which was always adhered to in Italy. The essential portion, which originally formed the whole interior accommodation of the Latin house, was the *atrium*, that is, the "blackened" chamber, with the household altar, the marriage bed, the table for meals, and the hearth; and precisely similar is the Homeric *megaron*, with its household altar and hearth and smoke-begrimed roof. We cannot say the same of ship-building. The boat with oars was an old common possession of the Indo-Germans; but the advance to the use of sailing vessels can scarcely be considered to have taken place during the Graeco-Italian period, for we find no nautical terms originally common to the Greeks and Italians except such as are also general among the Indo-Germanic family. On the other hand the primitive Italian custom of the husbandmen having common midday meals, the origin of which the myth connects with the introduction of agriculture, is compared by Aristotle with the Cretan *Syssitia*; and the ancient Romans further agreed with the Cretans and Laconians in taking their meals not, as was afterwards the custom among both peoples, in a reclining, but in a sitting posture. The method of kindling fire by the friction of two pieces of wood of different kinds is common to all peoples; but it is certainly no mere accident that the Greeks and Italians agree in the appellations which they give to the two portions of the touch-wood, "the rubber" (*τρυπανον, terebra*), and the "under-layer" (*στόρευσ, ἐσχάρα, tabula*, probably from *tendere, τέταμαι*). In like manner the dress of the two peoples is essentially identical, for the *tunica* quite corresponds with the *chiton*, and the *toga* is nothing but a fuller *himation*. Even as regards weapons of war, liable as they are to frequent change, the two peoples have this much at least in common, that their two principal weapons of attack were the javelin and the bow, —a fact which is clearly expressed, as far as Rome is concerned, in the earliest names for warriors (*quirites, samnites, pilumni—arquites*),<sup>1</sup> and is in keeping with the oldest mode of fighting which was not properly adapted to a close struggle. Thus, in the language and manners of Greeks and Italians, all that relates

<sup>1</sup> Among the oldest names of weapons on both sides scarcely any can be shown to be certainly related; *lancea*, although doubtless connected with *λόγχη*, is, as a Roman word, recent, and perhaps borrowed from the Germans or Spaniards; and the Greek *σάυλον* is in a similar position.

to the material foundations of human life may be traced back to the same primary elements, the oldest problems which the world proposes to man had been jointly solved by the two peoples at a time when they still formed one nation.

It was otherwise in the spiritual domain. The great problem of man—how to live in conscious harmony with himself, with his neighbour, and with the whole to which he belongs—admits of as many solutions as there are provinces in our Father's kingdom, and it is in this, and not in the material sphere, that individuals and nations display their divergences of character. The exciting causes which gave rise to this intrinsic contrast must have been in the Graeco-Italian period as yet wanting; it was not until the Hellenes and Italians had separated that that deep seated diversity of mental character became manifest, the effects of which continue to the present day. The family and the state, religion and art, received in Italy and in Greece respectively a development so peculiar and so thoroughly national, that the common basis, on which in these respects also the two peoples rested, has been so overgrown as to be almost concealed from our view. That Hellenic character, which sacrificed the whole to its individual elements, the nation to the township, and the township to the citizen, which sought its ideal of life in the beautiful and the good, and, but too often, in the enjoyment of idleness, which attained its political development by intensifying the original individuality of the several cantons, and at length produced the internal dissolution of even local authority, which in its view of religion first invested the gods with human attributes, and then denied their existence, which allowed full play to the limbs in the sports of the naked youth, and gave free scope to thought in all its grandeur and in all its awfulness,—and that Roman character, which solemnly bound the son to reverence the father, the citizen to reverence the ruler, and all to reverence the gods, which required nothing and honoured nothing but the useful act, and compelled every citizen to fill up every moment of his brief life with unceasing work, which made it a duty even in the boy modestly to cover the body, which deemed every one a bad citizen who wished to be different from his fellows, which regarded the state as all in all, and a desire for the state's extension as the only aspiration not liable to censure,—who can in thought trace back these sharply marked contrasts to that original unity which embraced them both, prepared the way for their development, and at length produced them? It would

be foolish presumption to desire to lift this veil; we shall only endeavour to indicate in brief outline the beginnings of Italian nationality and its connections with an earlier period; to direct the guesses of the discerning reader rather than to express them.

All that may be called the patriarchal element in the state rested in Greece and Italy on the same foundations. Under this head comes especially the moral and decorous arrangement of the relations of the sexes,<sup>1</sup> which enjoined monogamy on the husband and visited with heavy penalties the infidelity of the wife, and which recognised the equality of woman and the sanctity of marriage in the high position which it assigned to the mother within the domestic circle. On the other hand the rigorous development of the marital and still more of the paternal authority, regardless of the natural rights of persons as such, was a feature foreign to the Greeks and peculiarly Italian; it was in Italy alone that moral subjection became transformed into legal slavery. In the same way the principle of the slave being completely destitute of legal rights—a principle involved in the very nature of slavery—was maintained by the Romans with merciless rigour and carried out to all its consequences; whereas among the Greeks alleviations of its harshness were early introduced both in practice and in legislation, the marriage of slaves, for example, being recognised as a legal relation.

On the household was based the clan, that is, the community of the descendants of the same progenitor; and out of the clan among the Greeks as well as the Italians arose the state. But while under the weaker political development of Greece the clan maintained itself as a corporate power, in contradistinction to that of the state, far even into historical times, the state in Italy made its appearance at once in complete efficiency, inasmuch as in presence of its authority the clans were neutralised and it exhibited an association not of clans, but of citizens. Conversely, again, the individual attained relatively to the clan an inward independence and freedom of personal development far earlier and more completely in Greece than in Rome—a fact reflected with great clearness in the Greek and Roman proper names, which, originally similar, came to assume very different

<sup>1</sup> Even in details this agreement appears; e.g., in the designation of lawful wedlock as "marriage concluded for the obtaining of lawful children" (*γάμος ἐπὶ παίδων γνησίων ἀρότω* — *matrimonium liberorum quaerendorum causa*).

forms In the more ancient Greek names the name of the clan was very frequently added in an adjective form to that of the individual, while, conversely, Roman scholars were aware that their ancestors bore originally only one name, the later *prae nomen*. But while in Greece the adjective name of the clan early disappeared, it became, among the Italians generally and not merely among the Romans, the principal name, and the distinctive individual name, the *praenomen*, became subordinate. It seems as if the small and ever diminishing number and the meaningless character of the Italian, and particularly of the Roman, individual names, compared with the luxuriant and poetical fulness of those of the Greeks, were intended to illustrate the truth that it was characteristic of the one nation to reduce all features of distinctive personality to an uniform level, of the other freely to promote their development.

The association in communities of families under patriarchal chiefs, which we may conceive to have prevailed in the Graeco-Italian period, may appear different enough from the later forms of Italian and Hellenic polities, yet it must have already contained the germs out of which the future laws of both nations were moulded. The "laws of king Italus," which were still applied in the time of Aristotle, may denote the institutions essentially common to both. These laws must have provided for the maintenance of peace and the execution of justice within the community, for military organisation and martial law in reference to its external relations, for its government by a patriarchal chief, for a council of elders, for assemblies of the freemen capable of bearing arms, and for some sort of constitution. Judicial procedure (*crimen*, κρινειν), expiation (*poena*, ποίνη), retaliation (*talio*, τάλω, τλῆναι), are Graeco-Italian ideas. The stern law of debt, by which the debtor was directly responsible with his person for the repayment of what he had received, is common to the Italians, for example, with the Tarentine Heracleots. The fundamental ideas of the Roman constitution—a king, a senate, and an assembly entitled simply to ratify or to reject the proposals which the king and senate should submit to it—are scarcely anywhere expressed so distinctly as in Aristotle's account of the earlier constitution of Crete. The germs of larger state-confederacies in the political fraternising or even amalgamation of several previously independent stocks (*symmarchy*, *synoikismos*) are in like manner common to both nations. The more stress is to be laid on this fact of the common foundations of Hellenic and Italian polity,

that it is not found to extend to the other Indo-Germanic stocks; the organisation of the Germanic communities, for example, by no means starts, like that of the Greeks and Romans, from an elective monarchy. But how different the polities were that were constructed on this common basis in Italy and Greece, and how completely the whole course of their political development belongs to each as its distinctive property,<sup>1</sup> it will be the business of the sequel to show.

It is the same in religion. In Italy, as in Hellas, there lies at the foundation of the popular faith the same common treasure of symbolic and allegorical views of nature: on this rests that general analogy between the Roman and the Greek world of gods and of spirits, which was to become of so much importance in later stages of development. In many of their particular conceptions also,—in the already mentioned forms of Zeus-Diovis and Hestia-Vesta, in the idea of the holy space (*τέμενος*, *templum*), in many offerings and ceremonies—the two modes of worship do not by mere accident coincide. Yet in Hellas, as in Italy, they assumed a shape so thoroughly national and peculiar, that but little of the ancient common inheritance was preserved in a recognisable form, and that little was for the most part misunderstood or not understood at all. It could not be otherwise; for, just as in the peoples themselves the great contrasts, which during the Graeco-Italian period had lain side by side undeveloped, were after their division distinctly evolved, so in their religion also a separation took place between the idea and the image, which had hitherto been one whole in the soul. Those old tillers of the ground, when the clouds were driving along the sky, probably expressed to themselves the phenomenon by saying that the hound of the gods was driving together the startled cows of the herd. The Greek forgot that the cows were really the clouds, and converted the son of the hound of the gods—a form devised merely for the particular purposes of that conception—into the adroit messenger of the gods ready for every service. When the thunder rolled among the mountains, he saw Zeus brandishing his bolts on Olympus; when the blue sky again smiled upon him, he gazed into the bright eye of Athenaëa, the daughter of Zeus; and so powerful over him was

<sup>1</sup> Only we must, of course, not forget that like pre-existing conditions lead everywhere to like institutions. For instance, nothing is more certain than that the Roman plebeians were a growth originating within the Roman commonwealth, and yet they everywhere find their counterpart where a body of *metoeci* has arisen alongside of a body of burgesses. As a matter of course, chance also plays in such cases its provoking game.



nectar. But that they, nevertheless, in their spirituality—which only appears tame to dull apprehension—gained a powerful hold on men's minds, a hold more powerful perhaps than that of the gods of Hellas created after the image of man, would be attested, even if history were silent on the subject, by the Roman designation of faith (the word and the idea alike foreign to the Hellenes), *Religio*, that is to say, "that which binds." As India and Iran developed from one and the same inherited store, the former, the richly varied forms of its sacred epics, the latter, the abstractions of the Zend-Avesta; so in the Greek mythology the person is predominant, in the Roman the idea, in the former freedom, in the latter necessity.

Lastly, what holds good of real life is true also of its counterfeit in jest and play, which everywhere, and especially in the earliest period of full and simple existence, do not exclude the serious, but veil it. The simplest elements of art are in Latium and Hellas quite the same; the decorous armed dance, the "leap" (*triumphus θρίαμβος, δειθύραμβος*); the masquerade of the "full people" (*σάτυροι, satura*), who, enveloped in the skins of sheep or goats, wound up the festival with their jokes; lastly, the pipe, which with suitable strains accompanied and regulated the solemn as well as the merry dance. Nowhere, perhaps, does the especially close relationship of the Hellenes and Italians come to light so clearly as here; and yet in no other direction did the two nations manifest greater divergence as they became developed. The training of youth remained in Latium strictly confined to the narrow limits of domestic education; in Greece the yearning after a varied yet harmonious training of mind and body created the sciences of Gymnastics and Paideia, which were cherished by the nation and by individuals as their highest good. Latium in the poverty of its artistic development stands almost on a level with uncivilised peoples; Hellas developed with incredible rapidity out of its religious conceptions the myth and the worshipped idol, and out of these that marvellous world of poetry and sculpture, the like of which history has not again to show. In Latium no other influences were powerful in public and private life but prudence, riches, and strength; it was reserved for the Hellenes to feel the blissful ascendancy of beauty, to minister to the fair boy-friend with an enthusiasm half sensuous, half ideal, and to reanimate their lost courage with the war-songs of the divine singer.

Thus the two nations in which the civilisation of antiquity culminated stand side by side, as different in development as

they were in origin identical. The points in which the Hellenes excel the Italians are more universally intelligible and reflect a more brilliant lustre, but the deep feeling in each individual that he was only a part of the community, a rare devotedness and power of self sacrifice for the common weal, an earnest faith in its own gods, form the rich treasure of the Italian nation. Both nations received a one sided, and therefore each a complete development, it is only a pitiful narrowmindedness that will object to the Athenian that he did not know how to mould his state like the Fabii and the Valerii, or to the Roman that he did not learn to carve like Phidias and to write like Aristophanes. It was in fact the most peculiar and the best feature in the character of the Greek people, that rendered it impossible for them to advance from national to political unity without at the same time exchanging their polity for despotism. The ideal world of beauty was all in all to the Greeks, and compensated them to some extent for what they wanted in reality. Wherever in Hellas a tendency towards national union appeared, it was based not on elements directly political, but on games and art—the contests at Olympia—the poems of Homer, the tragedies of Euripides, were the only bonds that held Hellas together. Resolutely, on the other hand, the Italian surrendered his own personal will for the sake of freedom, and learned to obey his father that he might know how to obey the state. Amidst this subjection individual development might be marred, and the germs of fairest promise in man might be arrested in the bud, the Italian gained in their stead a feeling of fatherland and of patriotism such as the Greek never knew, and alone among all the civilised nations of antiquity succeeded in working out national unity in connection with a constitution based on self government—a national unity, which at last placed in his hands the mastery not only over the divided Hellenic stock, but over the whole known world.

## CHAPTER III

### THE SETTLEMENTS OF THE LATINS

THE home of the Indo-Germanic stock lay in the western portion of central Asia; from this it spread partly in a south-eastern direction over India, partly in a north-western over Europe. It is difficult to determine the primitive seat of the Indo-Germans more precisely: it must, however, at any rate have been inland and remote from the sea, as there is no name for the sea common to the Asiatic and European branches. Many indications point more particularly to the regions of the Euphrates; so that, singularly enough, the primitive seats of the two most important civilised stocks,—the Indo-Germanic and the Aramaean,—almost coincide as regards locality. This circumstance gives support to the hypothesis that these races also were originally connected, although, if there was such a connection, it certainly must have been anterior to all traceable development of culture and language. We cannot define more exactly their original locality, nor are we able to accompany the individual stocks in the course of their migrations. The European branch probably lingered in Persia and Armenia for some considerable time after the departure of the Indians; for, according to all appearance, that region has been the cradle of agriculture and of the culture of the vine. Barley, spelt, and wheat are indigenous in Mesopotamia, and the vine to the south of the Caucasus and of the Caspian Sea: there too the plum, the walnut, and others of the more easily transplanted fruit trees are native. It is worthy of notice that the name for the sea is common to most of the European stocks—Latins, Celts, Germans, and Slavonians; they must probably therefore before their separation have reached the coast of the Black Sea or of the Caspian. By what route from those regions the Italians reached the chain of the Alps, and where in particular they were settled while still united with the Hellenes alone, are questions that can only be answered when the problem is solved by what route—whether from Asia Minor or from the regions of the Danube—the Hellenes arrived in Greece. It may at all events be regarded as certain that the Italians, like the Indians, migrated into their peninsula from the north (p. 11).

The advance of the Umbro-Sabellian stock along the central mountain ridge of Italy, in a direction from north to south, can still be clearly traced, indeed its last phases belong to purely historical times. Less is known regarding the route which the Latin migration followed. Probably it proceeded in a similar direction along the west coast, long, in all likelihood before the first Sabellian stocks began to move. The stream only overflows the heights when the lower grounds are already occupied, and only through the supposition that there were Latin stocks already settled on the coast are we able to explain why the Sabellians should have contented themselves with the rougher mountain districts, from which they afterwards issued and intruded, wherever it was possible, between the Latin tribes.

It is well known that a Latin stock inhabited the country from the left bank of the Tiber to the Volscian mountains, but these mountains themselves, which appear to have been neglected on occasion of the first immigration when the plains of Latium and Campania still lay open to the settlers were, as the Volscian inscriptions show, occupied by a stock more nearly related to the Sabellians than to the Latins. On the other hand, Latins probably dwelt in Campania before the Greek and Samnite immigrations, for the Italian names *Neola* or *Vola* (new town), *Campani Capia*, *Istellurnus* (from *colere*, like *Isturna* from *istare*) *Opseis* (labourers), are demonstrably older than the Samnite invasion, and show that at the time when Cumæ was founded by the Greeks, an Italian and probably Latin stock, the Ausones, were in possession of Campania. The primitive inhabitants of the districts which the Lucani and Bruttii subsequently occupied, the *Itali* proper (inhabitants of the land of oxen), are associated by the best observers not with the Iapygian, but with the Italian stock, and there is nothing to hinder our regarding them as belonging to its Latin branch, although the Hellenising of these districts which took place even before the commencement of the political development of Italy, and their subsequent inundation by Samnite hordes, have in this instance totally obliterated all traces of the older nationality. Very ancient legends bring the similarly extinct stock of the Siculi into connection with Rome. For instance, the earliest historian of Italy Antiochus of Syracuse tells us that a man named Sikelos came a fugitive from Rome to Morges King of Italia (i.e. the Bruttian peninsula). Such stories appear to be founded on the identity of race recognised by the narrators as subsisting between the Siculi (of whom there were some still

in Italy in the time of Thucydides) and the Latins. The striking affinity of certain dialectic peculiarities of Sicilian Greek with the Latin is probably to be explained rather by the old commercial connections subsisting between Rome and the Sicilian Greeks, than by the ancient identity of the languages of the Siculi and the Romans. According to all indications, however, not only Latium, but probably also the Campanian and Lucanian districts, Italia proper between the gulfs of Tarentum and Laus, and the eastern half of Sicily were in primitive times inhabited by different branches of the Latin nation.

Destinies very dissimilar awaited these different branches. Those settled in Sicily, Magna Graecia, and Campania came into contact with the Greeks at a period when they were unable to offer resistance to a civilisation so superior, and were either completely Hellenised, as in the case of Sicily, or at any rate so weakened that they succumbed without marked resistance to the fresh energy of the Sabine tribes. In this way the Siculi, the Itali and Morgetes, and the Ausonians never came to play an active part in the history of the peninsula. It was otherwise with Latium, where no Greek colonies were founded, and the inhabitants after hard struggles were successful in maintaining their ground against the Sabines as well as against their northern neighbours. Let us cast a glance at this district, which was destined more than any other to influence the fortunes of the ancient world.

The plain of Latium must have been in primeval times the scene of the grandest conflicts of nature, while the slowly formative agency of water deposited, and the eruptions of mighty volcanoes upheaved, the successive strata of that soil on which was to be decided the question to what people the sovereignty of the world should belong. Latium is bounded on the east by the mountains of the Sabines and Aequi which form part of the Apennines; and on the south by the Volscian range rising to the height of 4000 feet, which is separated from the main chain of the Apennines by the ancient territory of the Hernici, the table-land of the Sacco (Trerus, a tributary of the Liris), and stretching in a westerly direction terminates in the promontory of Terracina. On the west its boundary is the sea, which on this part of the coast forms but few and indifferent harbours. On the north it imperceptibly merges into the broad highlands of Etruria. The region thus enclosed forms a magnificent plain traversed by the Tiber, the "mountain-stream" which issues from the Umbrian, and by

the Anio, which rises in the Sabine mountains. Hills here and there emerge, like islands, from the plain, some of them steep limestone cliffs, such as that of Soracte in the north-east, and that of the Circeian promontory on the south west, as well as the similar though lower height of the Janiculum near Rome, others volcanic elevations, whose extinct craters had become converted into lakes which in some cases still exist, the most important of these is the Alban range, which, free on every side, stands forth from the plain between the Volscian chain and the river Tiber.

Here settled the stock which is known to history under the name of the Latins, or, as they were subsequently called by way of distinction from the Latin communities beyond the bounds of Latium, the "Old Latins" (*prisci Latini*). But the territory occupied by them, the district of Latium, was only a small portion of the central plain of Italy. All the country north of the Tiber was to the Latins a foreign and even hostile domain, with whose inhabitants no lasting alliance, no public peace, was possible, and such armistices as were concluded appear always to have been for a limited period. The Tiber formed the northern boundary from early times, and neither in history nor in the more reliable traditions has any reminiscence been preserved as to the period or occasion of the establishment of a frontier line so important in its results. We find, at the time when our history begins, the flat and marshy tracts to the south of the Alban range in the hands of Umbro Sabellian stocks, the Rutuli and Volsci, Ardea and Velitrae are no longer in the number of originally Latin towns. Only the central portion of that region between the Tiber, the spurs of the Apennines, the Alban Mount, and the sea—a district of about 700 square miles, not much larger than the present canton of Zurich—was Latium proper, the "plain,"<sup>1</sup> as it appears to the eye of the observer from the heights of Monte Cavo. Though the country is a plain it is not monotonously flat. With the exception of the sea beach, which is sandy and formed in part by the accumulations of the Tiber, the level is everywhere broken by hills of tufa moderate in height though often somewhat steep, and by deep fissures of the ground. These alternating elevations and depressions of the surface lead to the formation of lakes in winter,

<sup>1</sup> Like *laïus* (side) and *πλάγος* (flat) it denotes therefore the flat country in contrast to the Sabine mountain land just as Campania the plain forms the contrast to Samnium. *Laius* formerly *silaius* has no connection with *Latium*.

and the exhalations proceeding in the heat of summer from the putrescent organic substances which they contain engender that noxious fever-laden atmosphere, which in ancient times tainted the district as it taints it at the present day. It is a mistake to suppose that these miasmata were first occasioned by the neglect of cultivation, which was the result of misgovernment in the last century of the Republic and is so still. Their course lies rather in the want of natural outlets for the water; and it operates now as it operated thousands of years ago. It is true, however, that the malaria may to a certain extent be banished by thoroughness of tillage—a fact which has not yet received its full explanation, but may be partly accounted for by the circumstance that the working of the surface accelerates the drying up of the stagnant waters. It must always remain a remarkable phenomenon, that a dense agricultural population should have arisen in regions where no healthy population can at present subsist, and where the traveller is unwilling to tarry even for a single night, such as the plain of Latium and the lowlands of Sybaris and Metapontum. We must bear in mind that man in a lower stage of civilisation has generally a quicker perception of what nature demands, and a greater readiness in conforming to her requirements; perhaps, also, a more elastic physical constitution, which accommodates itself more readily to the conditions of the soil where he dwells.

In Sardinia agriculture is prosecuted under physical conditions precisely similar even at the present day; the pestilential atmosphere exists, but the peasant avoids its injurious effects by caution in reference to clothing, food, and the choice of his hours of labour. In fact, nothing is so certain a protection against the “*aria cattiva*” as wearing the fleece of animals and keeping a blazing fire; which explains why the Roman countryman went constantly clothed in heavy woollen stuffs, and never allowed the fire on his hearth to be extinguished. In other respects the district must have appeared attractive to an immigrant agricultural people: the soil is easily laboured with mattock and hoe and is productive even without being manured, although, tried by an Italian standard, it does not yield any extraordinary return: wheat yields on an average about five-fold.<sup>1</sup> Good water is not abundant; the higher and more

<sup>1</sup> A French statist, Dureau de la Malle (*Econ. Pol. des Romains*, ii. 226), compares with the Roman Campagna the district of Limagne in Auvergne, which is likewise a wide, much intersected, and uneven plain, with a super-

sacred on that account was the esteem in which every fresh spring was held by the inhabitants

No accounts have been preserved of the mode in which the settlements of the Latins took place in the district which has since borne their name, and we are left to gather what we can almost exclusively from a *posteriori* inference regarding them. Some knowledge may, however, in this way be gained, or at any rate some conjectures that wear an aspect of probability

The Roman territory was divided in the earliest times into a number of clan-districts, which were subsequently employed in the formation of the earliest "rural wards" (*tribus rusticae*). Tradition informs us as to the *tribus Claudia*, that it originated from the settlement of the Claudian clansmen on the Anio, and that the other districts of the earliest division originated in a similar manner is indicated quite as certainly by their names

These names are not, like those of the districts added at a later period, derived from the localities, but are formed without exception from the names of clans, and the clans who thus gave their names to the wards of the original Roman territory are, so far as they have not become entirely extinct (as is the case with the *Camili*, *Galerii*, *Lemonii*, *Pollii*, *Pupinii*, *Voltinii*), the very oldest patrician families of Rome, the *Aemilii*, *Cornelii*, *Fabii*, *Horatii*, *Menenii*, *Papirii*, *Romilii*, *Sergii*, *Veturii*. It is worthy of remark, that not one of these clans can be shown to have taken up its settlement in Rome only at a later epoch. Every Italian, and doubtless also every Hellenic, canton must, like that of Rome, have been divided into a number of groups associated at once by locality and by clanship, such a clan settlement is the "house" (*οικία*) of the Greeks, from which very

ficial soil of decomposed lava and ashes—the remains of extinct volcanoes. The population at least 2500 to the square league is one of the densest to be found in purely agricultural districts. Property is subdivided to an extraordinary extent. Tillage is carried on almost entirely by manual labour with spade, hoe, or mattock, only in exceptional cases a light plough is substituted drawn by two cows the wife of the peasant not unfrequently taking the place of one of them in the yoke. The team serves at once to furnish milk and to till the land. They have two harvests in the year, corn and vegetables there is no fallow. The average yearly rent for an arpent of arable land is 100 francs. If instead of such an arrangement this same land were to be divided among six or seven large landholders, and a system of management by stewards and day labourers were to supersede the husbandry of the small proprietors in a hundred years the Limagne would doubtless be as waste, forsaken and miserable as the Campagna di Roma is at the present day.

frequently the *κῶμαι* and *δῆμοι* originated among them, like the *tribus* in Rome. The corresponding Italian terms "house" (*vicus*) or "building" (*pagus*, from *pangere*) indicate, in like manner, the joint settlement of the members of a clan, and thence come by an easily understood transition to signify in common use hamlet or village. As each household had its own portion of land, so the clan-household or village had clan-lands belonging to it, which, as will afterwards be shown, were managed up to a comparatively late period after the analogy of household-lands, that is, on the system of joint-possession. Whether it was in Latium itself that the clan-households became developed into clan-villages, or whether the Latins were already associated in clans when they immigrated into Latium, are questions which we are just as little able to answer as we are to determine how far, in addition to the original ground of common ancestry, the clan may have been based on the incorporation or co-ordination from without of individuals not related to it by blood.

These clanships, however, were from the beginning regarded not as independent societies, but as the integral parts of a political community (*civitas*, *populus*). This first presents itself as an aggregate of a number of clan-villages of the same stock, language, and manners, bound to mutual observance of law and mutual legal redress and to united action in aggression and defence. A fixed local centre was quite as necessary in the case of such a canton as in that of a clanship; but as the members of the clan, or in other words the constituent elements of the canton, dwelt in villages, the centre of the canton cannot have been a town or place of joint settlement in the strict sense. It must, on the contrary, have been simply a place of common assembly, containing the seat of justice and the common sanctuary of the canton, where the members of the canton met every eighth day for purposes of intercourse and amusement, and where, in case of war, they obtained a safer shelter for themselves and their cattle than in the villages: in ordinary circumstances this place of meeting was not at all or but scantily inhabited. Ancient places of refuge, of a kind quite similar, may still be recognised at the present day on the tops of several of the hills in the highlands of east Switzerland. Such a place was called in Italy "height" (*capitolium*, like *ἀκρᾱ*, the mountain-top), or "stronghold" (*arx*, from *arcere*); it was not a town at first, but it became the nucleus of one, as houses naturally gathered round the stronghold and were afterwards

surrounded with the "ring" (*urbs*, connected with *urvus*, *curvus*, perhaps also with *orbis*). The stronghold and town were visibly distinguished from each other by the number of gates, of which the stronghold had as few as possible, and the town many, the former ordinarily but one, the latter at least three. Such fortresses were the bases of that cantonal constitution which prevailed in Italy anterior to the existence of towns—a constitution<sup>1</sup> the nature of which may still be recognised with some degree of clearness in those provinces of Italy which did not until a late period reach, and in some cases have not yet fully reached, the stage of aggregation in towns, such as the land of the Marsi and the small cantons of the Abruzzi. The country of the Aequiculi, who even in the imperial period dwelt not in towns, but in numerous open hamlets, presents a number of ancient ring-walls, which, regarded as "deserted towns" with their solitary temples, excited the astonishment of the Roman as well of modern archaeologists, who have fancied that they could find accommodation there, the former for their "primitive inhabitants" (*aborigines*), the latter for their Pelasgians. We shall certainly be nearer the truth in recognising these structures not as walled towns, but as places of refuge for the inhabitants of the district, such as were doubtless found in more ancient times over all Italy, although constructed in less artistic style. It was natural that at the period when the stocks that had made the transition to urban life were surrounding their towns with stone walls, those districts whose inhabitants continued to dwell in open hamlets should replace the earthen ramparts and palisades of their strongholds with buildings of stone. When in later ages peace was securely established throughout the land and such fortresses were no longer needed, these places of refuge were abandoned and soon became a riddle to after generations.

These cantons accordingly, having their rendezvous in some stronghold, and including a certain number of clanships, form the primitive political unities with which Italian history begins. At what period, and to what extent, such cantons were formed in Latium, cannot be determined with precision, nor is it a matter of special historical interest. The isolated Alban range, that natural stronghold of Latium, which offered to settlers the most wholesome air, the freshest springs, and the most secure position, would doubtless be first occupied by the new comers. Here accordingly, along the narrow plateau above Palazzuola, between the Alban lake (*Lago di Castello*) and the Alban mount (*Monte Cavo*), extended the town of Alba, which was universally

regarded as the primitive seat of the Latin stock, and the mother city of Rome as well as of all the other Old Latin communities; here, too, on the slopes lay the very ancient Latin canton-centres of Lanuvium, Aricia, and Tusculum. Here are found some of those primitive works of masonry, which usually mark the beginnings of civilisation and seem to stand as a witness to posterity that in reality Pallas Athene, when she does appear, comes into the world full grown. Such is the escarpment of the wall of rock below Alba in the direction of Palazzuola, whereby the place, which is rendered naturally inaccessible by the steep declivities of Monte Cavo on the south, is rendered equally unapproachable on the north, and only the two narrow approaches on the east and west, which are capable of being easily defended, are left open for traffic. Such, above all, is the large subterranean tunnel cut—so that a man can stand upright within it—through the hard wall of lava, 6000 feet thick, by which the waters of the lake formed in the old crater of the Alban Mount were reduced to their present level and a considerable space was gained for tillage on the mountain itself.

The summits of the last offshoots of the Sabine range form natural fastnesses of the Latin plain; and the canton-strongholds there gave rise at a later period to the considerable towns of Tibur and Praeneste. Labici too, Gabii, and Nomentum in the plain between the Alban and Sabine hills and the Tiber, Rome on the Tiber, Laurentum and Lavinium on the coast, were all more or less ancient centres of Latin colonisation, not to speak of many others less famous and in some cases almost forgotten.

All these cantons were in primitive times politically sovereign, and each of them was governed by its prince with the co-operation of the council of elders and the assembly of warriors. Nevertheless the feeling of fellowship based on community of descent and of language not only pervaded the whole of them, but manifested itself in an important religious and political institution—the perpetual league of the collective Latin cantons. The presidency belonged originally, according to the universal Italian as well as Hellenic usage, to that canton within whose bounds lay the meeting-place of the league; in this case it was the canton of Alba, which, as we have said, was generally regarded as the oldest and most eminent of the Latin cantons. The communities entitled to participate in the league were in the beginning thirty—a number which we find occurring with singular frequency as the sum of the constituent parts of a

commonwealth in Greece and Italy. What cantons originally made up the number of the thirty old Latin communities or, as with reference to the metropolitan rights of Alba they are also called, the thirty Alban colonies, tradition has not recorded, and we can no longer ascertain. The rendezvous of this union was, like the Pambœotia and the Panionia among the similar confederacies of the Greeks, the "Latin festival" (*feriae Latinae*), at which, on the "Mount of Alba" (*Mons Albanus, Monte Carlo*), upon a day annually appointed by the chief magistrate for the purpose, an ox was offered in sacrifice by the assembled Latin stock to the "Latin god" (*Jupiter Latiaris*). Each community taking part in the ceremony had to contribute to the sacrificial feast its fixed proportion of cattle, milk, and cheese, and to receive in return a portion of the roasted victim. These usages continued down to a late period, and are well known. respecting the more important legal bearings of this association we can do little else than institute conjectures.

From the most ancient times there were held, in connection with the religious festival on the Mount of Alba, assemblies of the representatives of the several communities at the neighbouring Latin seat of justice at the source of the Ferentina (near Marino). Indeed such a confederacy cannot be conceived to exist without having a certain power of superintendence over the associated body, and without possessing a system of law binding on all. Tradition records, and we may well believe, that the league exercised jurisdiction in reference to violations of federal law, and that it could in such cases pronounce even sentence of death. The equality in respect of legal rights and of intermarriage that subsisted among the Latin communities at a later date may perhaps be regarded as an integral part of the primitive law of the league, so that any Latin man could beget lawful children with any Latin woman and acquire landed property and carry on trade in any part of Latium. The league may have also provided a federal tribunal of arbitration for the mutual disputes of the cantons, on the other hand, there is no proof that the league imposed any limitation on the sovereign right of each community to make peace or war. In like manner there can be no doubt that the constitution of the league implied the possibility of its waging defensive or even aggressive war in its own name, in which case, of course, it would be necessary to have a federal commander in chief. But we have no reason to suppose that in such an event each community was compelled by law to furnish a contingent for the army, or that, conversely,

any one was interdicted from undertaking a war on its own account even against a member of the league. There are, however, indications that during the Latin festival, just as was the case during the festivals of the Hellenic leagues, "a truce of God" was observed throughout all Latium;<sup>1</sup> and probably on that occasion even tribes at feud granted safe-conducts to each other.

It is still less in our power to define the privileges of the presiding canton; only we may safely affirm that there is no reason for recognising in the Alban presidency a real political hegemony over Latium, and that possibly, nay probably, it had no more significance in Latium than the honorary presidency of Elis had in Greece.<sup>2</sup> On the whole it is probable that the extent of this Latin league, and the amount of its jurisdiction, were somewhat unsettled and fluctuating; yet it remained throughout not an accidental aggregate of various communities, more or less alien to each other, but the just and necessary expression of the relationship of the Latin stock. The Latin league may not have at all times included all Latin communities, but it never at any rate granted the privilege of membership to any that were not Latin. Its counterpart in Greece was not the Delphic Amphictyony, but the Boeotian or Aetolian confederacy.

These very general outlines must suffice: any attempt to draw the lines more sharply would only falsify the picture. The manifold play of mutual attraction and repulsion among those earliest political atoms, the cantons, passed away in Latium without witnesses competent to tell the tale. We must now be content to realise the one great abiding fact that they possessed a common centre, to which they did not sacrifice their

<sup>1</sup> The Latin festival is expressly called "armistice" (*indutiae*, Macrob. *Sat.* i. 16; ἐκχειραί, Dionys. iv. 49); and a war was not allowed to be begun during its continuance (Macrob. *l. c.*).

<sup>2</sup> The assertion often made in ancient and modern times, that Alba once ruled over Latium under the forms of a symmarchy, nowhere finds on closer investigation sufficient support. All history begins not with the union, but with the disunion of a nation; and it is very improbable that the problem of the union of Latium, which Rome finally solved after some centuries of conflict, should have been already solved at an earlier period by Alba. It deserves to be remarked too that Rome never asserted in the capacity of heiress of Alba any claims of sovereignty proper over the Latin communities, but contented herself with an honorary presidency; which no doubt, when it became combined with material power, afforded a handle for her pretensions of hegemony. Testimonies, strictly so called, can scarcely be adduced on such a question; and least of all do such passages as Festus *v. praetor*, p. 241, and Dionys. iii. 10, suffice to stamp Alba as a Latin Athens.

individual independence, but by means of which they cherished and increased the feeling of their belonging collectively to the same nation. By such a common possession the way was prepared for their advance from that cantonal individuality, with which the history of every people necessarily begins, to the national union with which the history of every people ends or at any rate ought to end.

## CHAPTER IV

### THE BEGINNINGS OF ROME

ABOUT fourteen miles up from the mouth of the river Tiber, hills of moderate elevation rise on both banks of the stream, higher on the right, lower on the left bank. With the latter group there has been closely associated for at least two thousand five hundred years the name of the Romans. We are unable, of course, to tell how or when that name arose; this much only is certain, that in the oldest form of it known to us the inhabitants of the canton are called not Romans, but (by a shifting of sound that frequently occurs in the earlier period of a language, but fell very early into abeyance in Latin<sup>1</sup>) Ramnians (Ramnes), a fact which constitutes an expressive testimony to the immemorial antiquity of the name. Its derivation cannot be given with certainty; possibly "Ramnes" may mean "foresters" or "bushmen."

But they were not the only dwellers on the hills by the bank of the Tiber. In the earliest division of the burgesses of Rome a trace has been preserved of the fact that that body arose out of the amalgamation of three cantons once probably independent, the Ramnians, Titians, and Luceres, into a single commonwealth—in other words, out of such a *synoikismos* as that from which Athens arose in Attica.<sup>2</sup> The great antiquity of this threefold division of the community<sup>3</sup> is perhaps best evinced by the fact

<sup>1</sup> A similar change of sound is exhibited in the case of the following formations, all of them of a very ancient kind: *pars portio*, *Mars mors*, *farreum* ancient form for *horreum*, *Fabii Fovii*, *Valerius Volesus*, *vacuus vocivus*.

<sup>2</sup> The *synoikismos* did not necessarily involve an actual settlement together at one spot; but while each resided as formerly on his own land, there was thenceforth only one council-hall and court-house for the whole. Thucyd. ii. 15; Herodot. i. 170.

<sup>3</sup> We might even, looking to the Attic *τριτὴς* and the Umbrian *trifo*, raise the question whether a triple division of the community was not a fundamental principle of the Graeco-Italians: in that case the triple division of the Roman community would not be referable to the amalgamation of several once independent tribes. But, in order to the establishment of an hypothesis so much at variance with tradition, such a threefold division would require to present itself more generally throughout the Graeco-Italian field than seems to be the case, and to appear uniformly everywhere as the ground-scheme. The Umbrians may possibly have adopted the word *tribus* only when they came under the influence of Roman rule; it cannot with certainty be traced in Oscan.

that the Romans, in matters especially of constitutional law, regularly used the forms *tribuere* ("to divide into three") and *tribus* ("a third") in the general sense of "to divide" and "a part," and the latter expression (*tribus*), like our "quarter," early lost its original signification of number. After the union of each of these three communities—once separate, but now forming subdivisions of a single community—still possessed its third of the common domain, and had its proportional representation in the burgess-force and in the council of the elders. In ritual also, the number divisible by three of the members of almost all the oldest colleges—of the Vestal Virgins, the Salii, the Arval Brethren, the Luperci, the Augurs—probably had reference to that three-fold partition. These three elements into which the primitive body of burgesses in Rome was divided have had theories of the most extravagant absurdity engrafted upon them. The irrational opinion that the Roman nation was a mongrel people finds its support in that division, and its advocates have striven by various means to represent the three great Italian races as elements entering into the composition of the primitive Rome, and to transform a people which has exhibited in language, polity, and religion, a pure and national development such as few have equaled into a confused aggregate of Etruscan and Sabine, Hellenic and, forsooth! even Pelasgian fragments.

Setting aside self-contradictory and unfounded hypotheses, we may sum up in a few words all that can be said respecting the nationality of the component elements of the primitive Roman commonwealth. That the Ramnians were a Latin stock cannot be doubted, for they gave their name to the new Roman commonwealth and therefore must have substantially determined the nationality of the united community. Respecting the origin of the Luceres nothing can be affirmed, except that there is no difficulty in the way of our assigning them, like the Ramnians, to the Latin stock. The second of these communities, on the other hand, is with one consent derived from Sabina, and this view can at least be traced to a tradition preserved in the Titian brotherhood, which represented that priestly college as having been instituted, on occasion of the Tities being admitted into the collective community, for the preservation of their distinctive Sabine ritual. It would appear, therefore, that at a period very remote, when the Latin and Sabellian stocks were beyond question far less sharply contrasted in language, manners, and customs than were the Roman and the Samnite of a later age, a Sabellian community entered into a

Latin canton-union; and, as in the older and more credible traditions without exception the Tities take precedence of the Ramnians, it is probable that the intruding Tities compelled the older Ramnians to accept the *synoikismos*. A mixture of different nationalities certainly therefore took place; but it hardly exercised an influence greater than the migration, for example, which occurred some centuries afterwards of the Sabine Attus Clauzus or Appius Claudius and his clansmen and clients to Rome. The earlier admission of the Tities among the Ramnians does not entitle us to class the community among mongrel peoples any more than does that subsequent reception of the Claudii among the Romans. With the exception, perhaps, of isolated national institutions handed down in connection with ritual, the existence of Sabellian elements can nowhere be pointed out in Rome; and the Latin language in particular furnishes absolutely no support to such an hypothesis.<sup>1</sup> It would in fact be more than surprising, if the Latin nation should have had its nationality in any sensible degree affected by the insertion of a single community from a stock so very closely related to it; and, besides, it must not be forgotten that at the time when the Tities settled beside the Ramnians, Latin nationality rested on Latium as its basis, and not on Rome. The new tripartite Roman commonwealth was, notwithstanding some incidental elements which were originally Sabellian, just what the community of the Ramnians had previously been—a portion of the Latin nation.

Long, in all probability, before an urban settlement arose on the Tiber, these Ramnians, Tities, and Luceres, at first separate, afterwards united, had their stronghold on the Roman hills, and tilled their fields from the surrounding villages. The "wolf-festival" (*Lupercalia*), which the *gens* of the Quinctii celebrated on the Palatine hill, was probably a tradition from these primitive ages—a festival of husbandmen and shepherds, which more than any other preserved the homely pastimes of patriarchal simplicity, and, singularly enough, maintained itself longer than all the other heathen festivals in Christian Rome.

<sup>1</sup> Although the older opinion, that Latin is to be viewed as a mixed language made up of Greek and non-Greek elements, has been now abandoned on all sides, judicious inquirers even (*e.g.* Schwegler, *R. G.* i. 184, 193) still seek to discover in Latin a mixture of two nearly related Italian dialects. But we ask in vain for the linguistic or historical facts which render such an hypothesis necessary. When a language presents the appearance of being an intermediate link between two others, every philologist knows that the phenomenon may quite as probably depend, and more frequently does depend, on organic development than on external intermixture.

From these settlements the later Rome arose. The founding of a city in the strict sense, such as the legend assumes, is of course to be reckoned altogether out of the question. Rome was not built in a day. But the serious consideration of the historian may well be directed to the inquiry, in what way Rome could so early attain the prominent political position which it held in Latium—so different from what the physical character of the locality would have led us to anticipate. The site of Rome is less healthy and less fertile than that of most of the old Latin towns. Neither the vine nor the fig succeed well in the immediate environs, and there is a want of springs yielding a good supply of water, for neither the otherwise excellent fountain of the Camenae before the Porta Capena, nor the Capitoline well, afterwards enclosed within the Tullinum, furnish it in any abundance. Another disadvantage arises from the frequency with which the river overflows its banks. Its very slight fall renders it unable to carry off the water, which during the rainy season descends in large quantities from the mountains, with sufficient rapidity to the sea, and in consequence it floods the low-lying lands and the valleys that open between the hills, and converts them into swamps. For a settler the locality was anything but attractive. In antiquity itself an opinion was expressed that the first body of immigrant cultivators could scarce have spontaneously resorted in search of a suitable settlement to that unhealthy and unfruitful spot in a region otherwise so highly favoured, and that it must have been necessity, or rather some special motive, which led to the establishment of a city there. Even the legend betrays its sense of the strangeness of the fact: the story of the foundation of Rome by refugees from Alba under the leadership of the sons of an Alban prince, Romulus and Remus, is nothing but a naïve attempt of primitive quasi history to explain the singular circumstance of the place having arisen on a site so unfavourable, and to connect at the same time the origin of Rome with the general metropolis of Latium. Such tales, which profess to be historical but are merely improvised explanations of no very ingenious character, it is the first duty of history to dismiss, but it may perhaps be allowed to go a step further, and after weighing the special relations of the locality to propose a positive conjecture not regarding the way in which the place originated, but regarding the circumstances which occasioned its rapid and surprising prosperity and led to its occupying its peculiar position in Latium.

Let us notice first of all the earliest boundaries of the Roman territory. Towards the east the towns of Antemnae, Fidenae, Caenina, Collatia, and Gabii lie in the immediate neighbourhood, some of them not five miles distant from the gates of the Servian Rome; and the boundary of the canton must have been in the close vicinity of the city gates. On the south we find at a distance of fourteen miles the powerful communities of Tusculum and Alba; and the Roman territory appears not to have extended in this direction beyond the *Fossa Cluilia*, five miles from Rome. In like manner, towards the south-west, the boundary betwixt Rome and Lavinium was at the sixth milestone. While in a landward direction the Roman canton was thus everywhere confined within the narrowest possible limits, from the earliest times, on the other hand, it extended without hindrance on both banks of the Tiber towards the sea. Between Rome and the coast there occurs no locality that is mentioned as an ancient canton-centre, and no trace of any ancient canton-boundary. The legend indeed, which has its definite explanation of the origin of everything, professes to tell us that the Roman possessions on the right bank of the Tiber, the "seven hamlets" (*septem pagi*), and the important salt-works at its mouth, were taken by king Romulus from the Veientes, and that king Ancus fortified on the right bank the *tête du pont*, the "mount of Janus" (*Ianiculum*), and founded on the left the Roman Peiraeus, the seaport at the river's "mouth" (*Ostia*). But in fact we have evidence more trustworthy than that of legend, that the possessions on the Etruscan bank of the Tiber must have belonged to the original territory of Rome; for in this very quarter, at the fourth milestone on the later road to the port, lay the grove of the creative goddess (*Dea Dia*), the primitive chief seat of the Arval festival and Arval brotherhood of Rome. Indeed from time immemorial the clan of the Romilii, the chief probably of all the Roman clans, was settled in this very quarter; the Janiculum formed a part of the city itself, and Ostia was a burgess colony or, in other words, a suburb.

This cannot have been the result of mere accident. The Tiber was the natural highway for the traffic of Latium; and its mouth, on a coast scantily provided with harbours, became necessarily the anchorage of seafarers. Moreover, the Tiber formed from very ancient times the frontier defence of the Latin stock against their northern neighbours. There was no place better fitted for an emporium of the Latin river and

sea traffic, and for a maritime frontier fortress of Latium, than Rome. It combined the advantages of a strong position and of immediate vicinity to the river, it commanded both banks of the stream down to its mouth, it was so situated as to be equally convenient for the river navigator descending the Tiber or the Anio, and for the seafarer with vessels of so moderate a size as those which were then used, and it afforded greater protection from pirates than places situated immediately on the coast. That Rome was indebted accordingly, if not for its origin, at any rate for its importance, to these commercial and strategical advantages of its position, there are numerous indications to show—indications which are of very different weight from the statements of quasi-historical romances. Thence arose its very ancient relations with Caere, which was to Etruria what Rome was to Latium, and accordingly became Rome's most intimate neighbour and commercial ally. Thence arose the unusual importance of the bridges over the Tiber, and of bridge building generally in the Roman commonwealth. Thence came the galley in the city arms, thence, too, the very ancient Roman port-duties on the exports and imports of Ostia, which were from the first levied only on what was to be exposed for sale (*promercale*), not on what was for the shipper's own use (*usuarium*), and which were therefore in reality a tax upon commerce. Thence, to anticipate, the comparatively early occurrence in Rome of coined money, and of commercial treaties with transmarine states. In this sense, then, it is certainly not improbable that Rome may have been, as the legend assumes, a creation rather than a growth, and the youngest rather than the oldest among the Latin cities. Beyond doubt the country was already in some degree cultivated, and the Alban range as well as various other heights of the Campagna were occupied by strongholds, when the Latin frontier emporium arose on the Tiber. Whether it was a resolution of the Latin confederacy, or the clear sighted genius of some unknown founder, or the natural development of traffic, that called the city of Rome into being, it is vain even to surmise.

But in connection with this view of the position of Rome as the emporium of Latium another observation suggests itself. At the time when history begins to dawn on us, Rome appears, in contradistinction to the league of the Latin communities, as a compact urban unity. The Latin habit of dwelling in open villages, and of using the common stronghold only for festivals and assemblies or in case of special need, was subjected to

restriction at a far earlier period, probably, in the canton of Rome than anywhere else in Latium. The Roman did not cease to manage his farm in person, or to regard it as his proper home; but the unwholesome atmosphere of the Campagna could not but induce him to take up his abode as much as possible on the more airy and salubrious city hills; and by the side of the cultivators of the soil there must have been a numerous non-agricultural population, partly foreigners, partly native, settled there from very early times. This to some extent accounts for the dense population of the old Roman territory, which may be estimated at the utmost at 115 square miles, partly of marshy or sandy soil, and which, even under the earliest constitution of the city, furnished a force of 3300 free-men; so that it must have numbered at least 10,000 free inhabitants. But further, every one acquainted with the Romans and their history is aware that it is their urban and mercantile character which forms the basis of whatever is peculiar in their public and private life, and that the distinction between them and the other Latins and Italians in general is pre-eminently the distinction between citizen and rustic. Rome, indeed, was not a mercantile city like Corinth or Carthage; for Latium was an essentially agricultural region, and Rome was in the first instance, and continued to be, pre-eminently a Latin city. But the distinction between Rome and the mass of the other Latin towns must certainly be traced back to its commercial position, and to the type of character produced by that position in its citizens. If Rome was the emporium of the Latin districts, we can readily understand how, along with and in addition to Latin husbandry, an urban life should have attained vigorous and rapid development there and thus have laid the foundation for its distinctive career.

It is far more important and more practicable to follow out the course of this mercantile and strategical growth of the city of Rome, than to attempt the useless task of analysing the insignificant and but little diversified communities of primitive times. The course of this development may still be so far recognised in the traditions regarding the successive circumvallations and fortifications of Rome, the formation of which necessarily kept pace with the growth of the Roman commonwealth in importance as a city.

The town, which in the course of centuries grew up as Rome, in its original form embraced according to trustworthy testimony only the Palatine, or "square Rome" (*Roma quadrata*), as it

was called in later times from the irregularly quadrangular form of the Palatine hill. The gates and walls that enclosed this original city remained visible down to the period of the empire the sites of two of the former, the Porta Romana near S. Giorgio in Velabro, and the Porta Mugionis at the Arch of Titus, are still known to us, and the Palatine ring wall is described by Tacitus from his own observation at least on the sides looking towards the Aventine and Caelian. Many traces indicate that this was the centre and original seat of the urban settlement. On the Palatine was to be found the sacred symbol of that settlement, the "outfit vault" (*mundus*) as it was called, in which the first settlers deposited a sufficiency of everything necessary for a household and added a clod of their dear native earth. There, too, was situated the building in which all the curies assembled for religious and other purposes, each at its own hearth (*curiae veteres*). There stood the meeting house of the 'Leapers' (*curia Saliorum*) in which also the sacred shields of Mars were preserved, the sanctuary of the "Wolves" (*Lupercal*), and the residence of the priest of Jupiter. On and near this hill the legend of the founding of the city placed the scenes of its leading incidents, and the straw-covered house of Romulus, the shepherd's hut of his foster father Faustulus, the sacred fig tree towards which the cradle with the twins had floated, the cornelian cherry tree that sprang from the shaft of the spear which the founder of the city had hurled from the Aventine over the valley of the Circus into this enclosure, and other such sacred relics were pointed out to the believer. Temples in the proper sense of the term were still at this time unknown, and accordingly the Palatine has nothing of the sort to show belonging to the primitive age. The public assemblies of the community were early transferred to another locality, so that their original site is unknown, only it may be conjectured that the free space round the *mundus*, afterwards called the *Area Apollinis*, was the primitive place of assembly for the burgesses and the senate, and the stage erected over the *mundus* itself the primitive seat of justice of the Roman community.

The 'festival of the Seven Mounts' (*septimontium*), again, preserved the memory of the more extended settlement which gradually formed round the Palatine. Suburbs grew up one after another, each protected by its own separate though weaker circumvallation and joined to the original ring wall of the Palatine, as in ten districts the outer dikes are joined on to the main dike. The 'Seven Rings' were, the Palatine

itself; the Cermalus, the slope of the Palatine in the direction of the morass that in the earliest times extended between it and the Capitoline (*velabrum*); the Velia, the ridge which connected the Palatine with the Esquiline, but in subsequent times was almost wholly obliterated by the buildings of the empire; the Fagutal, the Oppius, and the Cispius, the three summits of the Esquiline; lastly, the Sucusa, or Subūra, a fortress constructed outside of the earthen rampart which protected the new town on the Carinae, in the low ground between the Esquiline and the Quirinal beneath S. Pietro in Vincoli. These additions, manifestly the results of a gradual growth, clearly reveal to a certain extent the earliest history of the Palatine Rome, especially when we compare with them the Servian arrangement of districts which was afterwards formed on the basis of this earliest division.

The Palatine was the original seat of the Roman community, the oldest and originally the only ring-wall. The urban settlement, however, began at Rome as well as elsewhere not within, but under the protection of, the stronghold; and the oldest settlements with which we are acquainted, and which afterwards formed the first and second regions in the Servian division of the city, lay in a circle round the Palatine. These included the settlement on the declivity of the Cermalus with the "street of the Tuscans"—a name which was probably a memorial of the commercial intercourse that subsisted between the Caerites and Romans and was already perhaps carried on with vigour in the Palatine city—and the settlement on the Velia; both of which subsequently along with the stronghold-hill itself constituted a region of the Servian city. Further, there were the component elements of the subsequent second region—the suburb on the Caelian, which probably embraced only its extreme point above the Colosseum; that on the Carinae, the spur which projects from the Esquiline towards the Palatine; and, lastly, the valley and outwork of the Subura, from which the whole region received its name. These two regions jointly constituted the incipient city; and the Suburan region, which extended at the base of the stronghold, nearly from the Arch of Constantine to S. Pietro in Vincoli, and over the valley beneath, appears to have been more considerable and perhaps older than the settlements incorporated by the Servian arrangement in the Palatine region, because in the order of the regions the former takes precedence of the latter. A remarkable memorial of the distinction between these two portions of the city was preserved

in one of the oldest sacred customs of the later Rome, the sacrifice of the October horse yearly offered in the *Campus Martius* down to a late period a struggle took place at this festival for the horse's head between the men of the Subura and those of the Via Sacra, and according as victory lay with the former or with the latter, the head was nailed either to the Mamilian Tower (site unknown) in the Subura, or to the king's palace under the Palatine. It was the two halves of the old city that thus competed with each other on equal terms. At that time, accordingly, the *Esquiliae* (which name strictly used is exclusive of the *Carinae*) were in reality what they were called, the "outer buildings" (*ex quiliae*, like *inquilius*, from *colere*) or suburb. This became the third region in the later city division, and it was always held in inferior consideration as compared with the Suburan and Palatine regions. Other neighbouring heights also, such as the Capitol and the Aventine, may probably have been occupied by the community of the Seven Mounts, the 'bridge of piles' in particular (*pons sublicius*), thrown over the natural pier of the island in the Tiber, must have existed even then—the pontifical college alone is sufficient evidence of this—and the *tele du pont* on the Etruscan bank, the height of the Janiculum, would not be left unoccupied, but the community had not as yet brought either within the circuit of its fortifications. The regulation which was adhered to as a ritual rule down to the latest times, that the bridge should be composed simply of wood without iron, manifestly shows that in its original practical use it was to be merely a flying bridge, which must be capable of being easily at any time broken off or burnt. We recognise in this circumstance how insecure for a long time and liable to interruption was the command of the passage of the river on the part of the Roman community.

No relation is discoverable between the urban settlements thus gradually formed and the three communities into which from an immemorably early period the Roman commonwealth was in political law divided. As the Ramnes, Tities, and Luceres appear to have been communities originally independent, they must have had their settlements originally apart, but they certainly did not dwell in separate circumvallations on the Seven Hills, and all fictions to this effect in ancient or modern times must be consigned by the intelligent inquirer to the same fate with the battle of the Palatine and the charming tale of Tarpeia. On the contrary each of the three tribes of Ramnes, Tities, and Luceres must have been distributed throughout

the two regions of the oldest city, the Subura and Palatine, and the suburban region as well: with this may be connected the fact, that afterwards not only in the Suburan and Palatine, but in each of the regions subsequently added to the city, there were three pairs of Argean chapels. The Palatine city of the Seven Mounts may have had a history of its own; no other tradition of it has survived than simply that of its having once existed. But as the leaves of the forest make room for the new growth of spring, although they fall unseen by human eyes, so has this unknown city of the Seven Mounts made room for the Rome of history.

But the Palatine city was not the only one that in ancient times existed within the circle afterwards enclosed by the Servian walls; opposite to it, in its immediate vicinity, there lay a second city on the Quirinal. The "old strong-hold" (*Capitolium vetus*) with a sanctuary of Jupiter, Juno, and Minerva, and a temple of the goddess of Fidelity in which state treaties were publicly deposited, forms the evident counterpart of the later Capitol with its temple to Jupiter, Juno, and Minerva, and with its shrine of Fides Romana likewise destined as it were for a repository of international law, and furnishes clear proof that the Quirinal also was once the centre of an independent commonwealth. The same fact may be inferred from the double worship of Mars on the Palatine and the Quirinal; for Mars was the type of the warrior and the oldest chief divinity of the burgess communities of Italy. With this is connected the further circumstance that his ministers, the two primitive colleges of the "Leapers" (*Salii*) and of the "Wolves" (*Luperci*), existed in the later Rome in duplicate: by the side of the *Salii* of the Palatine there were also *Salii* of the Quirinal; by the side of the *Quinctian Luperci* of the Palatine there was a Fabian guild of *Luperci*, which in all probability had their sanctuary on the Quirinal.<sup>1</sup>

<sup>1</sup> That the *Quinctian Luperci* had precedence in rank over the Fabian is evident from the circumstance that the fabulists attribute the *Quinctii* to Romulus, the *Fabii* to Remus (Ovid. *Fast.* ii. 373, seq.; Vict. *De Orig.* 22). That the *Fabii* belonged to the Hill-Romans is shown by the sacrifice of their *gens* on the Quirinal (Liv. v. 46, 52), whether that sacrifice may or may not have been connected with the *Lupercalia*.

Moreover, the *Lupercus* of the former college is called in inscriptions (Orelli, 2253) *Lupercus Quinctialis vetus*; and the *praenomen* *Kaeso*, which was most probably connected with the *Lupercal* worship (see *Röm. Forschungen*, i. 17), is found exclusively among the *Quinctii* and *Fabii*: the form commonly occurring in authors, *Lupercus Quinctilius* and *Quinctilianus*, is therefore a misnomer, and the college belonged not to the comparatively recent *Quinctilii*, but to the far older *Quinctii*. When, again,

All these indications, which even in themselves are of great weight, become more significant when we recollect that the accurately known circuit of the Palatine city of the Seven Mounts excluded the Quirinal, and that afterwards in the Servian Rome, while the first three regions corresponded to the former Palatine city, a fourth region was formed out of the Quirinal along with the neighbouring Viminal. Thus, too, we discover an explanation of the reason why the strong outwork of the Subura was constructed beyond the city wall in the valley between the Esquiline and Quirinal; it was at that point, in fact, that the two territories came into contact, and the Palatine Romans, after having taken possession of the low ground, were under the necessity of constructing a stronghold for protection against those of the Quirinal.

Lastly, even the name has not been lost by which the men of the Quirinal distinguished themselves from their Palatine neighbours. As the Palatine city took the name of "the Seven Mounts," its citizens called themselves the "mount-men" (*montani*), and the term "mount," while applied to the other heights belonging to the city, was above all associated with the Palatine; so the Quirinal height—although not lower, but on the contrary somewhat higher, than the former—as well as the adjacent Viminal never in the strict use of the language received any other name than "hill" (*collis*). In the ritual records, indeed, the Quirinal was not unfrequently designated as the "hill" without further addition. In like manner the gate leading out from this height was usually called the "hill-gate" (*porta collina*); the priests of Mars settled there were called those "of the hill" (*Salii collini*) in contrast to those of the Palatine (*Salii Palatini*), and the fourth Servian region formed out of this district was termed the hill-region (*tribus collina*)<sup>1</sup> The name of Romans primarily associated

the Quinctii (Liv. i. 30), or Quinctili (Dion. iii. 29), are named among the Alban clans, the latter reading is to be preferred, and the Quinctii are to be regarded rather as an old Roman gens.

<sup>1</sup> Although the name "Hill of Quirinus" was afterwards ordinarily used to designate the height where the Hill-Romans had their abode, we need not on that account regard the name "Quirites" as having been originally reserved for the burgesses on the Quirinal. For the earliest indications point, as regards them, to the name *Collini*; while it is indisputably certain that the name *Quirites* denoted from the first, as well as subsequently, simply the full burgess, and had no connection with the distinction between *montani* and *collini* (comp. chap. v. *infra*). In fact, Mars *Quirinus*, the spear-bearing god of Death, was originally worshipped as well on the Palatine as on the Quirinal; the oldest inscriptions found at what was afterwards called the Temple of Quirinus designate this divinity

with the locality was probably appropriated by these "Hill-men" as well as by those of the "Mounts;" and the former perhaps designated themselves as "Romans of the Hill" (*Romani collini*). That a diversity of race may have lain at the foundation of this distinction between the two neighbouring cities is possible; but evidence sufficient to warrant our pronouncing a community established on Latin soil to be of alien lineage is, in the case of the Quirinal community, totally wanting.<sup>1</sup>

Thus the site of the Roman commonwealth was still at this period occupied by the Mount-Romans of the Palatine and the Hill-Romans of the Quirinal as two separate communities confronting each other and doubtless in many respects at feud, in some degree resembling the Montigiani and the Trasteverini in modern Rome. That the community of the Seven Mounts early attained a great preponderance over that of the Quirinal may with certainty be inferred both from the greater extent of its newer portions and suburbs, and from the position of inferiority in which the former Hill-Romans were obliged to acquiesce under the later Servian arrangement. But even within the Palatine city there was hardly a true and complete amalgamation of the different constituent elements of the

simply as Mars, but at a later period for the sake of distinction the god of the Mount-Romans more especially was called Mars, the god of the Hill-Romans more especially Quirinus.

When the Quirinal is called *collis agonalis*, "hill of sacrifice," it is so designated merely as the centre of the religious rites of the Hill-Romans.

<sup>1</sup> The evidence alleged for this (comp. e.g. Schwegler, *R. G. i.* 480) mainly rests on an etymologico-historical hypothesis started by Varro and as usual unanimously echoed by later writers, that the Latin *quiris* and *quirinus* are akin to the name of the Sabine town *Cures*, and that the Quirinal hill accordingly had been peopled from *Cures*. The linguistic affinity of these words is probable; but how little warrant there is for deducing from it such an historical inference must be obvious at once. That the old sanctuaries on this eminence (where, besides, there was also a "*Collis Latiaris*") were Sabine, has been asserted, but has not been proved. Mars *quirinus*, Sol, Salus, Flora, Semo Sancus or Deus *fidius* were indeed Sabine, but they were also Latin, divinities, formed evidently during the epoch when Latins and Sabines still lived undivided. If a name like that of Semo Sancus (which moreover occurs in connection with the Tiber-island) is especially associated with the sacred places of the Quirinal which afterwards diminished in its importance (comp. the *Porta Sanqualis* deriving its name therefrom), every unbiassed inquirer will recognise in such a circumstance only a proof of the high antiquity of that worship, not a proof of its derivation from a neighbouring land. In so speaking we do not mean to deny that it is possible that old distinctions of race may have co-operated in producing this state of things; but if such was the case, they have, so far as we are concerned, totally disappeared, and the views current among our contemporaries as to the Sabine element in the constitution of Rome are only fitted seriously to warn us against such baseless speculations leading to no result.

settlement We have already mentioned how the Subura and the Palatine annually contended for the horse's head, the several Mounts also, and even the several curies (there was as yet no common hearth for the city, but the various hearths of the curies subsisted side by side, although in the same locality) probably felt themselves to be as yet more separated than united, and Rome as a whole was probably rather an aggregate of urban settlements than a single city It appears from many indications that the houses of the old and powerful families were constructed somewhat after the manner of fortresses and were rendered capable of defence—a precaution, it may be presumed, not unnecessary It was the magnificent structure ascribed to king Servius Tullius that first surrounded not merely those two cities of the Palatine and Quirinal, but also the heights of the Aventine and the Capitoline which were not comprehended within their enclosure, with a single great ring wall, and thereby created the new Rome—the Rome of history But ere this mighty work was undertaken, the relations of Rome to the surrounding country had beyond doubt undergone a complete revolution As the period, during which the husbandman guided his plough on the seven hills of Rome just as on the other hills of Latium, and the usually unoccupied places of refuge on particular summits alone presented the germs of a more permanent settlement, corresponds to the earliest epoch of the Latin stock, an epoch barren of traffic and barren of action, as thereafter the flourishing settlement on the Palatine and in the "Seven Rings" was coincident with the occupation of the mouths of the Tiber by the Roman community, and with the progress of the Latins to a more stirring and freer intercourse, to an urban civilisation in Rome more especially, and perhaps also to a more consolidated political union in the individual states as well as in the confederacy, so the Servian wall, which was the foundation of a single great city, was connected with the epoch at which the city of Rome was able to contend for, and at length to achieve, the sovereignty of the Latin league.

## CHAPTER V

### THE ORIGINAL CONSTITUTION OF ROME

FATHER and mother, sons and daughters, home and homestead, servants and chattels—such are the natural elements constituting the household in all cases, where polygamy has not obliterated the distinctive position of the mother. But the nations that have been most susceptible of culture have diverged widely from each other in their conception and treatment of the natural distinctions which the household thus presents. By some they have been apprehended and wrought out more profoundly, by others more superficially; by some more under their moral, by others more under their legal aspects. None has equalled the Roman in the simple but inexorable embodiment in law of the principles pointed out by nature herself.

The family formed an unity. It consisted of the free man who upon his father's death had become his own master, and the spouse whom the priests by the ceremony of the sacred salted cake (*confarreatio*) had solemnly wedded to share with him water and fire, with their sons and sons' sons and the lawful wives of these, and their unmarried daughters and sons' daughters, along with all goods and substance pertaining to any of its members. The children of daughters on the other hand were excluded, because, if born in wedlock, they belonged to the family of the husband; and if begotten out of wedlock, they had no place in a family at all. To the Roman citizen a house of his own and the blessing of children appeared the end and essence of life. The death of the individual was not an evil, for it was a matter of necessity; but the extinction of a household or of a clan was injurious to the community itself, which in the earliest times therefore opened up to the childless the means of avoiding such a fatality by their adopting, in presence of the people, the children of others as their own.

The Roman family from the first contained within it the conditions of a higher culture in the moral adjustment of the mutual relations of its members. Men alone could be head of

a family. Woman did not indeed occupy a position inferior to man in the acquiring of property and money, on the contrary the daughter inherited an equal share with her brother, and the mother an equal share with her children. But woman always and necessarily belonged to the household, not to the community; and in the household itself she necessarily held a position of domestic subjection—the daughter to her father, the wife to her husband,<sup>1</sup> the fatherless unmarried woman to her nearest male relatives, it was by these, and not by the king, that in case of need woman was called to account. Within the house, however, woman was not servant but mistress. Exempted from the tasks of corn-grinding and cooking which according to Roman ideas belonged to the menials, the Roman housewife devoted herself in the main to the superintendence of her maid-servants, and to the accompanying labours of the distaff, which was to woman what the plough was to man.<sup>2</sup> In like manner, the moral obligations of parents towards their children were fully and deeply felt by the Roman nation, and it was reckoned a heinous offence if a father neglected or corrupted his child,

<sup>1</sup> This was not merely the case with the old religious marriage (*matrimonium confarreatio*), the civil marriage also (*matrimonium consensu*), although not in itself giving to the husband proprietary power over his wife opened up the way for his acquiring this proprietary power, inasmuch as the legal ideas of "formal delivery" (*coemptio*), and "prescription" (*usus*), were applied without ceremony to such a marriage. Until its acquisition, and in particular therefore during the period which elapsed before the completion of the prescription, the wife was (just as in the later marriage by *causae probatio*, until that took place), not *uxor*, but *pro uxore*. Down to the period when Roman jurisprudence became a completed system the principle maintained its ground, that the wife who was not in her husband's power was not a married wife, but only passed as such (*uxor tantummodo habetur* Cicero, *Top* 3, 14).

<sup>2</sup> The following epitaph, although belonging to a much later period, is not unworthy to have a place here. It is the stone that speaks —

*Hospes, quod desco, paulum est Asta ac pellige  
Hic est sepulcrum haud pulcrum pulcras feminae,  
Nomen parentes nominarunt Claudiam,  
Suom maritum corde dilexit sovo,  
Gnatos duos creavit, horum alterum  
In terra linguat, alium sub terra locat,  
Sermone lepido, tum autem incessu commodo,  
Domum servavit, lanam fecit Dixi Abes*

(Corp Inscr Lat 1007)

Still more characteristic perhaps, is the introduction of wool spinning among purely moral qualities, which is no very unusual occurrence in Roman epitaphs. Orelli, 4639 *optima et pulcherrima lanifica pia pudica frugi casta domitida* Orelli, 4861 *modestia probitate pudicitia obsequio lanificio diligentia fide par similisque ceteris probis femina fuit*. Epitaph of Turia *domestica bona pudicitiae, opsequi comitatis, facilitatis, lanificiis [tuis adsiduitatis, religionis] sine superstitione, ornatus non conspiciendi, cultus modici*

or if he even squandered his property to his child's disadvantage.

In a legal point of view, however, the family was absolutely guided and governed by the single all-powerful will of the "father of the household" (*pater familias*). In relation to him all in the household were destitute of legal rights—the wife and the child no less than the bullock or the slave. As the virgin became by the free choice of her husband his wedded wife, so it rested with his own free will to rear or not to rear the child which she bore to him. This maxim was not suggested by indifference to the possession of a family; on the contrary, the conviction that the founding of a house and the begetting of children were a moral necessity and a public duty had a deep and earnest hold of the Roman mind. Perhaps the only instance of support accorded on the part of the community in Rome is the enactment that aid should be given to the father who had three children presented to him at a birth; while their views regarding exposure are indicated by its religious prohibition so far as concerned all the sons—deformed births excepted—and at least the first daughter. Censurable, however, and injurious to the public weal as exposure might be, a father could not be divested of his right to resort to it; for he was, above all, thoroughly and absolutely master in his household, and it was intended that he should remain so. The father of the household not only maintained the strictest discipline over its members, but he had the right and duty of exercising judicial authority over them and of punishing them as he deemed fit in life and limb. The grown-up son might establish a separate household or, as the Romans expressed it, maintain his "own cattle" (*peculium*) assigned to him by his father; but in law all that the son acquired, whether by his own labour or by gift from a stranger, whether in his father's household or in his own, remained the father's property. So long as the father lived, the persons legally subject to him could never hold property of their own, and therefore could not alienate unless by him so empowered, or bequeath. In this respect wife and child stood quite on the same level with the slave, who was not unfrequently allowed to manage a household of his own, and who was likewise entitled to alienate when commissioned by his master. Indeed a father might convey his son as well as his slave in property to a third person: if the purchaser was a foreigner, the son became his slave; if he was a Roman, the son, while as a Roman he could not become a Roman's slave,

stood at least to his purchaser in a slave's stead (*in mancipii causâ*)

In reality the paternal and marital power was subject to no legal restrictions at all. Religion, indeed, pronounced its anathema on some of the worst cases of abuse. For example, besides the already mentioned restriction of the right of exposure, whoever sold his wife or married son was declared accursed, and in a similar spirit it was enacted that in the exercise of domestic jurisdiction the father, and still more the husband, should not pronounce sentence on child or wife without having previously consulted the nearest blood-relations, his wife's as well as his own. But such provisions as these involved no legal diminution of his powers, for the execution of the anathemas was the province of the gods, not of earthly justice, and the blood-relations called in to the domestic judgment were present not to judge, but simply to advise the father of the household in his judicial office.

But not only was the power of the master of the house unlimited and responsible to no one on earth, it was also, as long as he lived, unchangeable and indestructible. According to the Greek as well as Germanic laws the grown up son, who was practically independent of his father, was also independent legally, but the power of the Roman father could not be dissolved during his life either by age or by insanity, or even by his own free will, except where a daughter passed by a lawful marriage out of the hand of her father into the hand of her husband and, leaving her own *gens* and the protection of her own gods to enter into the *gens* of her husband and the protection of his gods, became thenceforth subject to him as she had hitherto been to her father. It was easier, according to Roman law, for the slave to obtain release from his master than for the son to obtain release from his father, the manumission of the former was permitted at an early period, and by simple forms, the release of the latter was only rendered possible at a much later date, and by very circuitous means. Indeed, if a master sold his slave and a father his son and the purchaser released both, the slave obtained his freedom, but the son by the release simply reverted into his father's power as before. The inexorable consistency with which the Romans carried out their conception of the paternal and marital power converted it into a real right of property.

Closely, however, as the power of the master of the household over wife and child approximated to his proprietary

power over slaves and cattle, the members of the family were nevertheless separated by a broad line of distinction, not merely in fact but in law, from the family property. The power of the house-master—even apart from the fact that it appeared in operation only within the house—was of a transient, and in some degree of a representative, character. Wife and child did not exist merely for the house-father's sake in the sense in which property exists only for the proprietor, or in which the subjects of an absolute state exist only for the king; they were the objects indeed of a legal right on his part, but they had at the same time capacities of right of their own; they were not things, but persons. Their rights were dormant in respect of exercise, simply because the unity of the household demanded that it should be governed by a single representative; but when the master of the household died, his sons at once came forward as its masters and now obtained on their own account over the women and children and property the rights hitherto exercised over these by the father. On the other hand the death of the master occasioned no change in the legal position of the slave.

So strongly was the unity of the family realised, that even the death of the master of the house did not entirely dissolve it. The descendants, who were rendered by that occurrence independent, regarded themselves as still in many respects an unity; a principle which was made use of in arranging the succession of heirs and in many other relations, but especially in regulating the position of the widow and unmarried daughters. As according to the older Roman view a woman was not capable of having power either over others or over herself, the power over her, or, as it was in this case more mildly expressed, the "guardianship" (*tutela*) remained with the house to which she belonged, and was now exercised in the room of the deceased house-master by the whole of the nearest male members of the family; ordinarily, therefore, by sons over their mother, and by brothers over their sisters. In this sense the family, once founded, endured unchanged till the male stock of its founder died out; only the bond of connection must of course have become practically more lax from generation to generation, until at length it became impossible to prove the original unity. On this, and on this alone, rested the distinction between family and clan, or, according to the Roman expression, between *agnati* and *gentiles*. Both denoted the male stock; but the family embraced only those individuals who, mounting up from generation to generation, were able to exhibit the successive

steps of their descent from a common progenitor, the clan (*gens*) on the other hand comprehended all those who, while claiming to be descended from a common ancestor, were no longer able fully to point out the intermediate links and thereby to establish the degree of their relationship. This is very clearly expressed in the Roman names when they speak of "Quintus, son of Quintus, grandson of Quintus and so on, the Quintian," the family reaches as far as the ascendants are designated individually, and where the family terminates the clan is introduced supplementarily, indicating derivation from the common ancestor who has bequeathed to all his descendants the name of the "children of Quintus."

To these strictly closed unities—the family or household united under the control of a living master, and the clan which originated out of the breaking-up of such households—there further belonged the dependents or "listeners" (*clientes*, from *cluere*). This term denoted not the guests, that is, the members of similar circles who were temporarily sojourning in another household than their own, and still less the slaves who were looked upon in law as the property of the household and not as members of it, but those individuals who, while they were not free burgesses of any commonwealth, yet lived within one in a condition of protected freedom. The class included refugees who had found a reception with a foreign protector, and those slaves in respect to whom their master had for the time being waived the exercise of his rights, and so conferred on them practical freedom. This relation had not properly the character of a relation *de jure*, like the relation of a man to his guest or to his slave: the client remained non free, although good faith and use and wont alleviated in his case the condition of non-freedom. Hence the "listeners" of the household (*clientes*) together with the slaves strictly so called formed the "body of servants" (*familia*) dependent on the will of the "burgess" (*patronus*, like *patricius*). Hence according to original right the burgess was entitled partially or wholly to resume the property of the client, to reduce him on emergency once more to the state of slavery, to inflict even capital punishment on him, and it was simply in virtue of a distinction *de facto*, that these patrimonial rights were not asserted with the same rigour against the client as against the actual slave, and that on the other hand the moral obligation of the master to provide for his own people and to protect them acquired a greater importance in the case of the client, who was practically in a more free

position, than in the case of the slave. Especially must the *de facto* freedom of the client have approximated to freedom *de jure* in those cases where the relation had subsisted for several generations: when the releaser and the released had themselves died, the *dominium* over the descendants of the released person could not be without flagrant impiety claimed by the heirs at law of the releaser; and thus there was gradually formed within the household itself a class of persons in dependent freedom, who were different alike from the slaves and from the members of the *gens* entitled in the eye of the law to full and equal rights.

On this Roman household was based the Roman state, as respected both its constituent elements and its form. The community of the Roman people arose out of the junction (in whatever way brought about) of such ancient clanships as the Romilii, Voltinii, Fabii, etc.; the Roman domain comprehended the united lands of those clans (p. 35). Whoever belonged to one of these clans was a burgess of Rome. Every marriage concluded in the usual forms within this circle was valid as a true Roman marriage, and conferred burgess-rights on the children begotten of it. Whoever was begotten in an illegal marriage, or out of marriage, was excluded from the membership of the community. On this account the Roman burgesses assumed the name of the "fathers' children" (*patricii*), inasmuch as they alone in the eye of the law had a father. The clans with all the families that they contained were incorporated with the state just as they stood. The spheres of the household and the clan continued to subsist within the state; but the position which a man held in these did not affect his relations towards the state. The son was subject to the father within the household, but in political duties and rights he stood on a footing of equality. The position of the protected dependents was naturally so far changed that the freedmen and clients of every patron received on his account toleration in the community at large; they continued indeed to be immediately dependent on the protection of the family to which they belonged, but the very nature of the case implied that the clients of members of the community could not be wholly excluded from its worship and its festivals, although, of course, they were not capable of the proper rights or liable to the proper duties of burgesses. This remark applies still more to the case of the protected dependents of the community at large. The state thus consisted, like the household,

of persons properly belonging to it and of dependents—of "burgesses" and of "inmates" or *metoeci*

As the clans resting upon a family basis were the constituent elements of the state, so the form of the body politic was modelled after the family both generally and in detail. The household was provided by nature herself with a head in the person of the father with whom it originated, and with whom it perished. But in the community of the people, which was designed to be imperishable, there was no natural master, not at least in that of Rome, which was composed of free and equal husbandmen and could not boast of a nobility by the grace of God. Accordingly one from its own ranks became its "leader" (*rex*) and "commander" (*dictator*), "master of the people" (*magister populi*) and lord in the household of the Roman community. That this was indeed the true nature of his position is evident, for at a later period there were to be found in or near to his residence the always blazing hearth and the well barred store-chamber of the community, the Roman Vesta and the Roman Penates—indications of the visible unity of that supreme household which included all Rome. The regal magistracy began at once and by right, when the successor had been designated and the office had become vacant, but the community did not owe fidelity and obedience to the king until he had convoked the assembly of freemen capable of bearing arms and had formally challenged its allegiance. Then he possessed in its entirety that power over the community which belonged to the house-father in his household, and, like him, he ruled for life. He held intercourse with the gods of the community, whom he consulted and appeased (*auspicia publica*), and he nominated all the priests and priestesses. The agreements which he concluded in name of the community with foreigners were binding upon the whole people, although in other instances no member of the community was bound by an agreement with a non member. His "command" (*imperium*) was all powerful in peace and in war, on which account "messengers" (*lictores*, from *licere*, to summon) preceded him with axes and rods on all occasions when he appeared officially. He alone had the right of publicly addressing the burgesses, and it was he who kept the keys of the public treasury. He had the same right as a father had to exercise discipline and jurisdiction. He inflicted penalties for breaches of order, and, in particular, flogging for military offences. He sat in judgment in all private and in all criminal processes, and decided absolutely regarding life and

death as well as regarding freedom; he might hand over one burgess to fill the place of a slave to another; he might even order a burgess to be sold into actual slavery or, in other words, into banishment. When he had pronounced sentence of death, he was entitled, but not obliged, to allow an appeal to the people for pardon. He called out the people for service in war and commanded the army; but with these high functions he was no less bound, when an alarm of fire was raised, to appear in person at the scene of the burning.

As the house-master was not simply the greatest but the only power in the house, so the king was not merely the first but the only holder of power in the state. He might indeed form colleges of men of skill composed of those specially conversant with the rules of sacred or of public law, and call upon them for their advice; he might, to facilitate his exercise of power, entrust to others particular functions, such as the making communications to the burgesses, the command in war, the decision of processes of minor importance, the inquisition of crimes; he might in particular, if he was compelled to quit the bounds of the city, leave behind him a "city-warden" (*praefectus urbi*) with the full powers of an *alter ego*; but all magisterial power existing by the side of the king's was derived from the latter, and every magistrate held his office by the king's appointment and during the king's pleasure. All the officials of the earliest period, the extraordinary city-warden as well as those who were probably nominated regularly—the "trackers of foul murder" (*quaestores paricidii*), and the "leaders of division" (*tribuni*, from *tribus*, part) of the infantry (*milites*) and of the cavalry (*celerēs*)—were mere royal commissioners, and not magistrates in the subsequent sense of the term. The regal power had not and could not have any external checks imposed upon it by law: the master of the community had no judge of his acts within the community, any more than the house-father had a judge within his household. Death alone terminated his power; and in view of that event it was, to all appearance, not only his lawful prerogative but probably part of his duty to nominate a successor to himself of his own free choice. A formal co-operation in the election of king was not requisite on the part of the council of elders, and the burgesses only concurred after the nomination;<sup>1</sup> *de jure* the new king was always appointed by his

<sup>1</sup> Evidence of a direct nature regarding the constitutional preliminaries of the election of king in Rome is not to be looked for. But the nomination of the dictator took place exactly in the mode here described; the



did not esteem himself inferior, so the burgess submitted to his ruler without precisely accounting him his better. This constituted the moral and practical limitation of the regal power. The king might, it is true, do much that was inconsistent with equity without exactly breaking the law of the land: he might diminish his fellow-combatants' share of the spoil; he might impose exorbitant task-works, or otherwise by his imposts unreasonably encroach upon the property of the burgess; but if he did so, he forgot that his plenary power came not from God, but under God's consent from the people, whose representative he was; and who was there to protect him if the people should in return forget the oath of allegiance which they had sworn? The legal limitation, again, of the king's power lay in the principle that he was entitled only to execute the law, not to alter it. Every deviation from the law had to receive the previous approval of the assembly of the people and the council of elders; if it was not so approved, it was a null and tyrannical act carrying no legal effect. It thus appears that the power of the king in Rome was, both morally and legally, altogether different from the sovereignty of the present day. There is no counterpart in modern life either to the Roman household or to the Roman state.

The division of the body of burgesses was based on the primitive normal principle, that ten houses formed a clan (*gens*), ten clans or a hundred households formed a wardship (*curia*, probably related to *curare* = *coerare*, *κοίρανος*), ten wardships or a hundred clans or a thousand households formed the community; and further, that every household furnished a foot-soldier (hence *mil-es*, like *equ-es*, thousand-walker), and every clan a horseman and a senator. When communities combined, each of course appeared at a part (*tribus*) of the whole community (*tota* in Umbrian and Oscan); and the original unit became multiplied by the number of such parts. This division had reference primarily to the personal composition of the burgess-body, but it was applied also to the domain so far as the latter was apportioned at all. That the curies had their lands as well as the tribes, admits of the less doubt, since among the few names of the Roman curies that have been handed down to us we find along with some apparently derived from *gentes*, e.g. *Faučia*, others certainly of local origin, e.g. *Veliensis*. Besides we meet with a very old measure of land corresponding to the *curia* as a hundred households, the "hundred" (*centuria*), comprising a hundred homesteads of two *jugera* each. The

clan's lands, of which we have already spoken (p. 35), must in this primitive period of joint possession have been the smallest unit in the division of land.

We find this constitution under its simplest form in the scheme of the Latin or burgess communities that subsequently spring up under the influence of Rome, these had uniformly the number of a hundred acting councillors (*centumviri*) and each of these councillors was called "head of ten households" (*decurio*)<sup>1</sup>. But the same normal numbers make their appearance throughout in the earliest tradition regarding the tripartite Rome, which assigns to it thirty curies, three hundred clans, three hundred horsemen, three hundred senators, three thousand households, and as many foot-soldiers.

Nothing is more certain than that this earliest constitutional scheme did not originate in Rome: it was a primitive institution common to all the Latins, and perhaps reached back to a period long anterior to the separation of the stocks. The Roman constitutional tradition quite deserving of credit in such matters, while it accounts historically for the other divisions of the burgesses, makes the division into curies alone originate with the origin of the city, and in entire harmony with that view not only does the curial constitution present itself in Rome, but in the recently discovered scheme of the organisation of the Latin communities it appears as an essential part of the Latin municipal system.

It is difficult, on the other hand, to arrive at a satisfactory view of the object and practical value of the scheme now before us. The distribution into curies manifestly constituted its essence. The tribes ("parts") cannot have been an element of essential importance for the simple reason that their occurrence at all was, not less than their number, the result of accident, where there were tribes, they certainly had no other significance than that of preserving the remembrance of an epoch when such tribes had themselves been wholes<sup>2</sup>. There is no tradition that the individual tribes had special presiding magistrates or special

<sup>1</sup> Even in Rome where the simple constitution of ten curies otherwise early disappeared we still discover one practical application of it and that singularly enough in the very same formality which we have other reasons for regarding as the oldest of all those that are mentioned in our legal traditions the *confarreatio*. It seems scarcely doubtful that the ten witnesses in that ceremony had the same relation to the constitution of ten curies as the thirty lictors had to the constitution of thirty curies.

<sup>2</sup> This is implied in their very name. The part (*tribus*) is as jurists know simply that which has once been or may hereafter come to be a whole and so has no real standing of its own in the present.

assemblies of their own; and it is extremely probable that in the interest of the unity of the commonwealth the tribes which had joined together to form it were never in reality allowed to have such institutions. In the army, it is true, the infantry had as many pairs of leaders as there were tribes; but each of these pairs of military tribunes *did not command the contingent* of a tribe; on the contrary each individually, as well as all in conjunction, exercised command over the whole infantry. The clans and families also must in like manner with the tribes, although for reasons very different, have had a theoretical more than a practical significance under this type of constitution. The limits of the stock and of the household were furnished by nature. The legislative power might interfere with these groups in the way of modification; it might subdivide a large clan and count it as two, or it might join several weak ones together; and it might enlarge or diminish even the household in a similar way. Nevertheless affinity in blood always appeared to the Romans to lie at the root of the connection between the members of a clan and still more between those of a family; and the Roman community can only have interfered with those groups to a limited extent consistent with the retention of their fundamental character of affinity. While, accordingly, the number of households and clans in the Latin communities was perhaps originally conceived as fixed, it must very soon have come to vary amidst the accidents of human affairs; and the normal scheme of exactly a thousand households and exactly a hundred clans cannot have had more than a theoretical significance except, at the most, in its earliest infancy—the infancy of an institution which meets us matured on the threshold of history.<sup>1</sup> The practical unimportance of these numbers is palpably evinced by the entire absence of instances where they were really applied. It is not affirmed by tradition, nor is it credible, that one foot-

<sup>1</sup> In Slavonia, where the patriarchal economy is retained up to the present day, the whole family, often to the number of fifty or even a hundred, remains together in the same house under the control of the house-father chosen by the whole family for life (Goszpodár). The property of the household, consisting chiefly of cattle, is managed by the house-father; the surplus is distributed according to the family branches. Private acquisitions by industry and trade remain separate property. Instances of quitting the household occur, even in the case of men, e.g. by marrying into a stranger household (Csaplovics, *Slavonien*, i. 106, 179).

Under such circumstances, which probably are not very widely different from the earliest condition of Rome, the household approximates in character to the community, and a fixed number of households can certainly be conceived. We may even connect with such a state of things the primitive *adrogatio*.

soldier precisely was taken from each house, and one horseman precisely from each clan, although three thousand of the former and three hundred of the latter were selected in all, the selection in detail was doubtless determined from the remotest times wholly by practical considerations, and if the Romans did not allow these normal numbers to fall entirely into abeyance the reason of their retention lay simply in the tendency so deeply implanted in the Latin character towards a logical or rather systematic adjustment of proportions. If these views be correct, the only member that remains, and that really fulfilled important functions in this primitive constitutional organisation, is the *curia*. Of these there were ten, or, where there were several tribes, ten to each tribe. Such a "wardship" was a real corporate unity, the members of which assembled at least for holding common festivals. Each wardship was under the charge of a special warden (*curio*) and had a priest of its own (*flamen curialis*), beyond doubt also the levies and valuations took place according to curial divisions, and in judicial matters the burgesses met by curies and voted by curies. This organisation, however, cannot have been introduced primarily with a view to voting, for in that case they would certainly have made the number of subdivisions uneven.

Sternly defined as was the contrast between burgess and non-burgess, the equality of rights within the burgess body was complete. No people has ever perhaps equalled that of Rome in the inexorable rigour with which it has carried out these principles, the one as fully as the other. The strictness of the Roman distinction between burgesses and non-burgesses is nowhere perhaps brought out with such clearness as in the treatment of the primitive institution of honorary citizenship, which was originally designed to mediate between the two. When a stranger was, by resolution of the community, adopted into the circle of the burgesses,<sup>1</sup> he might surrender his previous citizenship, in which case he passed over wholly into the new community, but he might also combine his former citizenship with that which had just been granted to him. Such was the primitive custom, and such it always remained in Hellas, where in later ages the same person not unfrequently held the freedom of several communities at the same time. But the greater

<sup>1</sup> The original expression for this was *patronum cooplati* which as *patronus* just like *patricius* in itself denoted simply the full burgess (p. 61) did not differ from the *in patricios cooplati* (Liv. iv. 4. Sueton. Tib. 1) or the later *in patricios adlegi*.

vividness with which the conception of the community as such was realised in Latium could not tolerate the idea that a man might simultaneously belong in the character of a burgess to two communities; and accordingly, when the newly-chosen burgess did not intend to surrender his previous franchise, it attached to the nominal honorary citizenship no further meaning than that of an obligation to befriend and protect the guest (*ius hospitii*), such as had always been recognised as incumbent in reference to foreigners.

But this rigorous retention of barriers against those that were without was accompanied by an absolute banishment of all differences of rights among the members included in the burgess community of Rome. We have already mentioned that the distinctions existing in the household, which of course could not be set aside, were at least ignored in the community; the son who as such was subject in property to his father might, in the character of a burgess, come to have command over his father as master. There were no class-privileges: the fact that the Titii took precedence of the Ramnes, and both ranked before the Luceres, did not affect their equality in all legal rights. The burgess cavalry, which at this period was used for single combat in front of the line on horseback or even on foot, and was rather a select or reserved corps than a special arm of the service, and which accordingly contained by far the wealthiest, best-armed, and best-trained men, was naturally held in higher estimation than the burgess infantry; but this was a distinction purely *de facto*, and admittance to the cavalry was doubtless conceded to any patrician. It was solely the constitutional subdivision of the burgess-body that gave rise to distinctions recognised by the law. The legal equality of all the members of the community was carried out even in their external appearance. Dress indeed served to distinguish the president of the community from its members, the senator from the burgess who did not belong to the senate, the grown-up man under obligation of military service from the boy not yet capable of enrolment; but otherwise the rich and the noble as well as the poor and low-born were only allowed to appear in public in the like simple wrapper (*toga*) of white woollen stuff. This complete equality of rights among the burgesses had beyond doubt its original basis in the Indo-Germanic type of constitution; but in the precision with which it was thus apprehended and embodied it formed one of the most characteristic and influential peculiarities of the Latin nation. And in connection with this we may recall the fact that in Italy

we do not meet with any race of earlier settlers less capable of culture, that had become subject to the Latin immigrants (p. 9). They had no conquered race to deal with, and therefore no such condition of things as that which gave rise to the Indian system of caste, to the nobility of Thessaly and Sparta and perhaps of Hellas generally, and probably also to the Germanic distinction of ranks.

The maintenance of the state economy devolved, of course, upon the burgesses. The most important function of the burgess was his service in the army, for the burgesses alone had the right and duty of bearing arms. The burgesses were at the same time the "body of warriors" (*populus*, related to *populari*, to lay waste, and *papa*, the butcher) in the old litanies it is upon the "spear armed body of warriors" (*pilumnus poplus*) that the blessing of Mars is invoked, and the king, when he addressed them, called them "lance-men" (*quirites*)<sup>1</sup>. We have already stated how the army of aggression, the "gathering" (*legio*), was formed. In the tripartite Roman community

<sup>1</sup> *Quiris quiritis*, or *quirinus*, literally means "lance-bearer," from *quilris* or *curis*=lance and *ire*, and in that respect agrees with *samnis*, *samnitis* and *sabinus*, which even among the ancients was derived from *sauvior*, spear. Kindred forms are *arquites*, *milites*, *pedites*, *equites*, *velites*, those respectively who go with the bow, in bodies of a thousand on foot, on horseback, without armour in their mere over garment, only in the latter forms, as in *dederitis hominis*, and numerous other words, the *s*, originally long, has been shortened. In this way Juno *quiritis*, (Mars) *quirinus*, Janus *quirinus* are primarily characterised by that epithet as divinities that hurl the spear, and employed in reference to men *quiris* denotes the warrior, that is, the full burgess. With this view the *usus loquendi* coincides. Where the locality was to be referred to, '*Quirites*' was never used, but always 'Rome' and 'Romans' (*urbs Roma populus, civis, ager Romanus*), because the term *quiris* had as little of a local meaning as *civis* or *miles*. For the same reason these designations could not be combined, they did not say *civis quiris*, because both denoted, though from different points of view, the same legal conception. On the other hand the solemn announcement of the funeral of a burgess ran in the words 'this warrior has departed in death' (*ollus quiris leto datus*), and in like manner he who was injured employed this word in calling the burgesses to aid him (*quiritare*), the king addressed the assembled community by this name, and when he sat in judgment, gave sentence according to the law of the warrior freemen (*ex iure quiristium*, quite similar to the later *ex iure civilis*). The phrase *populus Romanus, quirites*, thus means the community and the individual burgesses" and therefore in an old formula (Liv. i. 32) to the *populus Romanus* are opposed the *prisci Latini*, to the *quirites* the *homines prisci Latini* (Bekker, *Handb.* ii. 20 seq.), *populus Romanus quiristium* corresponds to the well known phrases *colonia colonorum municipium municipum*.

In the face of these facts nothing but ignorance of language and of history can still adhere to the idea that the Roman community was once confronted by a Quirite community of a similar kind and that after their incorporation the name of the recently received community supplanted in ritual and legal phraseology that of the receiver—Comp. p. 53 note

it consisted of three "hundreds" (*centuriae*) of horsemen (*celeres*, "the swift," or *flexuntes*, "the wheelers") under the three leaders-of-division of the horsemen (*tribuni celerum*),<sup>1</sup> and three "thousands" of footmen (*milites*) under the three leaders-of-division of the infantry (*tribuni militum*); the latter were probably from the first the flower of the general levy. To these there may perhaps have been added a number of light-armed men, archers especially, fighting outside of the ranks.<sup>2</sup> The general was regularly the king himself. Besides service in war, other personal burdens might devolve upon the burgesses; such as the obligation of undertaking the king's commissions in peace and in war (p. 64), and the task-work of tilling the king's lands or of constructing public buildings. How heavily in particular the burden of building the walls of the city pressed upon the community, is evidenced by the fact that the ring-walls retained the name of "tasks" (*moenia*). There was no regular direct taxation, nor was there any direct regular expenditure on the part of the state. Taxation was not needed for defraying the burdens of the community, since the state gave no recompense for serving in the army, for task-work, or for public service

<sup>1</sup> Among the eight ritual institutions of Numa Dionysius (ii. 64) after naming the Curiones and Flamines specifies as the third the leaders of the horsemen (*οἱ ἡγεμόνες τῶν Κελερίων*). According to the Praenestine calendar a festival was celebrated at the Comitium on the 19th March [*adstantibus pontificibus et trib(uni)s celer(um)*]. Valerius Antias (in. Dionys. ii. 13, comp. iii. 41) assigns to the earliest Roman cavalry a leader, Celer, and three centurions; whereas in the treatise *De Viris Ill.* 1, Celer himself is termed *centurio*. Moreover Brutus is affirmed to have been *tribunus celerum* at the expulsion of the kings (Liv. i. 59), and according to Dionysius (iv. 71) to have even by virtue of this office made the proposal to banish the Tarquins. And, lastly, Pomponius (Dig. i. 2, 2, 15, 19) and Lydus in a similar way, partly perhaps borrowing from him (*De Mag.* i. 14, 37), identify the *tribunus celerum* with the Celer of Antias, the *magister equitum* of the dictator under the republic, and the *Praefectus praetorio* of the empire.

Of these—the only statements which are extant regarding the *tribuni celerum*—the last mentioned not only proceeds from late and quite untrustworthy authorities, but is inconsistent with the meaning of the term, which can only signify "divisional leaders of horsemen." The master of the horse of the republican period, who was nominated only on extraordinary occasions and was in later times no longer nominated at all, cannot possibly have been identical with the magistracy that was required for the annual festival of the 19th March and was consequently a standing office. Laying aside, as we necessarily must, the account of Pomponius, which has evidently arisen solely out of the anecdote of Brutus dressed up with ever increasing ignorance as history, we reach the simple result that the *tribuni celerum* entirely correspond in number and character to the *tribuni militum*, and that they were the leaders-of-division of the horsemen, consequently quite distinct from the *magister equitum*.

<sup>2</sup> This is indicated by the evidently very old forms *velites* and *arquiles* and by the subsequent organisation of the legion.

generally, so far as there was any such recompense at all it was given to the person who performed the service by the district primarily concerned in it, or by the person who could not or would not serve himself. The victims needed for the public service of the gods were procured by a tax on actions at law. The defeated party in an ordinary process paid down to the state a cattle fine (*sacramentum*) proportioned to the value of the object in dispute. There is no mention of any regular presents to the king on the part of the burgesses, but the non burgesses settled in Rome (*acerarii*) appear to have paid to him a tax for protection. Besides this there flowed into the royal coffers the port-duties (p. 47), as well as the income from the domains—in particular, the pasture tribute (*scriptura*) from the cattle driven out upon the common pasture, and the quotas of produce (*rectigalia*), which the lessees of the lands of the state had to pay instead of rent. To this was added the produce of cattle fines and confiscations and the gains of war. In cases of need a contribution (*tributum*) was imposed, which was looked upon, however, as a forced loan and was repaid when the times improved, whether it fell upon the inhabitants without distinction, or upon the burgesses alone, cannot be determined, the latter supposition is, however, the more probable.

The king managed the finances. The property of the state, however, was not identified with the private property of the king, which, judging from the statements regarding the extensive landed possessions of the last Roman royal house, the Tarquins, must have been considerable. The ground won by arms, in particular, appears to have been constantly regarded as property of the state. Whether and how far the king was restricted by use and wont in the administration of the public property, can no longer be ascertained, but we may infer from the subsequent course of procedure that the burgesses can never have been consulted regarding it, whereas it was probably the custom to consult the senate in the imposition of the *tributum* and in the distribution of the lands won in war.

The burgesses, however, do not merely come into view as furnishing contributions and rendering service, they also bore a part in the public government. For this purpose all the members of the community (with the exception of the women, and the children still incapable of bearing arms)—in other words, the "spearmen," as in addressing them they were designated—assembled at the seat of justice, when the king convoked them for the purpose of making a communication

(*conventio, contio*), or formally bade them meet (*comitia*) for the third week (*in trinum noundinum*), to consult them by curies. He appointed such formal assemblies of the community to be held regularly twice a year, on the 24th of March and the 24th of May, and as often besides as seemed to him necessary. The burgesses, however, were always summoned not to speak, but to hear; not to ask questions but to answer them. No one spoke in the assembly but the king, or he to whom the king saw fit to grant liberty of speech; and the speaking of the burgesses consisted of a simple answer to the question of the king, without discussion, without reasons, without conditions, without breaking up the question into parts. Nevertheless the Roman burgess-community, like the Germanic and not improbably the primitive Indo-Germanic communities in general, was the real and ultimate basis of the political idea of sovereignty. But in the ordinary course of things this sovereignty was dormant, or only had its expression in the fact that the burgess-body voluntarily bound itself to render allegiance to its president. For that purpose the king, after he had entered on his office, addressed to the assembled curies the question whether they would be true and loyal to him and would according to use and wont acknowledge himself as well as his servants, the trackers (*quaestores*) and messengers (*lictores*); a question which undoubtedly might no more be answered in the negative than the parallel homage in the case of a hereditary monarchy might be refused.

It was in thorough consistency with constitutional principles that the burgesses, as being the sovereign power, should not on ordinary occasions take part in the course of public business. So long as public action was confined to the carrying into execution of the existing constitutional regulations, the power which was, properly speaking, sovereign in the state could not and might not interfere: the laws governed, not the lawgiver. But it was different where a change of the existing legal arrangements or even a mere deviation from them in a particular case was necessary. In every such instance the Roman constitution exhibits the burgesses as exercising their power; so that each act of the sovereign authority is accomplished by the co-operation of the burgesses and the king or *interrex*. As the legal relation between ruler and ruled was itself ratified in the manner of a contract by oral question and answer, so every sovereign act of the community was accomplished by means of a question (*rogatio*), which the king—but only he,



of it. In the ordinary course of law the perpetual treaty concluded with a neighbouring state might not be broken—unless the burgesses deemed themselves released from it on account of injuries inflicted on them. Hence it was necessary that they should be consulted when an aggressive war was contemplated, but not on occasion of a defensive war, where the other state had broken the treaty, nor on the conclusion of peace; it appears, however, that the question was in such a case addressed not to the usual assembly of the burgesses, but to the army. Thus, in general, it was necessary to consult the burgesses whenever the king meditated any innovation, any change of the existing public law; and in so far the right of legislation was from antiquity a right of the community, not of the king. In these and all similar cases the king could not act with legal effect without the co-operation of the community; the man whom the king alone declared a patrician remained a non-burgess as before, and the invalid act could only carry consequences *de facto*, not *de jure*. Thus far the assembly of the community, restricted and hampered as it at first appears, was yet from antiquity a constituent element of the Roman commonwealth, and was in law superior to, rather than co-ordinate with, the king.

But by the side of the king and of the burgess-assembly there appears in the earliest constitution of the community a third original power, not destined for action like the former, nor for legislation like the latter, and yet co-ordinate with both and within its own rightful sphere placed over both. This was the council of elders or *senatus*. Beyond doubt it had its origin in the clan-constitution: the old tradition that in the original Rome the senate was composed of all the heads of households is correct in state-law to this extent, that each of the clans of the later Rome which had not merely migrated thither at a more recent date referred its origin to one of those household-fathers of the primitive city as its ancestor and patriarch. If, as is probable, there was once in Rome or at any rate in Latium a time when, like the state itself, each of its ultimate constituents, that is to say, each clan had virtually a monarchical organisation and was under the rule of an elder—whether raised to that position by the choice of the clansmen or of his predecessor, or in virtue of hereditary succession—the senate of that time must have been simply the collective body of these clan-elders; and if so, it was an institution altogether independent of the king and of the burgess-assembly and, in contradistinction

to the latter which was directly composed of the whole body of the burgesses, it had in some measure the character of an indirect representation of the people. Certainly that stage of independence when each clan was virtually a state was surmounted in the Latin stock at an immemorially early period, and the first and perhaps most difficult step towards developing the community out of the clan-organisation—the setting aside of the clan-elders—had possibly been taken in Latium long before the foundation of Rome, the Roman clan, as we know it, is without any visible head, and no one of the living clansmen is especially called to represent the common patriarch from whom all the clansmen descended or profess to descend, so that even inheritance and guardianship, when they fall by death to the clan, devolve on the clan members as a whole. Nevertheless the original character of the council of elders bequeathed many and important legal consequences to the Roman senate. To express the matter briefly, the position of the senate as something other and more than a mere state council—than an assemblage of a number of trusty men whose advice the king found it fitting to obtain—hinged entirely on the fact that it was once an assembly like that, described by Homer, of the princes and rulers of the people sitting for deliberation in a circle round the king. The number of members in the original council of elders was necessarily a fixed one, corresponding to the number of the clans that formed the state, and membership was necessarily for life. In both respects the Roman senate was similar. The number of the senatorial stalls in Rome not only remained at all times a fixed one, but was also at the outset necessarily equal to the number of clanships belonging to the state, so that the amalgamation of the three primitive communities, each of which was assumed to consist of a hundred clanships, was in state law necessarily accompanied by an increase of the senatorial seats to the normal number of three hundred, which thenceforth became fixed. Moreover the senators were at all times called to sit for life, and if at a later period the life long tenure subsisted more *de facto* than *de jure*, and the revisions of the senatorial list that took place from time to time afforded an opportunity to remove the unworthy or the unacceptable senator, it can be shown that this arrangement only arose in the course of time. The selection of the senators was certainly at all times vested in the king, nor could it be otherwise after the clan-elders had ceased to exist, but in this selection during

the earlier epoch, so long as the people retained a vivid sense of the individuality of the clans, it was probably the established rule that, when a senator died, the king should call another experienced and aged man of the same clanship to fill his place, and that there should be no Roman clan unrepresented and none with a double representation in the senate of the Roman community. It was only in all probability when the community became more thoroughly amalgamated and inwardly united, that this usage was departed from and the selection of the senators was left entirely to the free judgment of the king, so that he was only regarded as failing in his duty when he omitted to fill up vacancies.

The prerogatives of this council of elders were based on the view that the rule over a community composed of clans rightfully belonged to the collective clan-elders, although in accordance with the monarchical principle of the Romans, which found so stern an expression in the household, that rule could only be exercised for the time being by one of these elders, namely the king. Every member of the senate accordingly was as such, not in practice but in prerogative, likewise king of the community; and therefore his insignia, though inferior to those of the king, were quite of a similar character: he wore the purple on his dress and the red shoe like the king; but the whole robe of the king was purple, whereas that of the senator had merely a purple border (*latus clavus*), and the red shoes of the king were higher and more handsome than those of the senators. On this ground, moreover, the royal power in the Roman community could never be left vacant. If the king died without having himself nominated a successor, the elders at once took his place and exercised the prerogatives of regal power. According to the immutable principle however that only one can be master at a time, even now it was only one of them that ruled, and such a "temporary king" (*interrex*) was distinguished from the king nominated for life simply in respect to the duration, not in respect to the plenitude, of his authority. The duration of the office of *interrex* was fixed for the individual holder at not more than five days; it circulated accordingly among the senators on the footing that, until the royal office was again permanently filled up, the temporary holder at the expiry of his term nominated a successor to himself for a similar term of five days agreeably to the order of succession fixed by lot. There was, it may readily be conceived, no declaration of allegiance to the *interrex* on the part of the community. Nevertheless the *interrex* was

entitled and bound not merely to perform all the official acts otherwise pertaining to the king, but even to nominate a king for life—with the single exception that this right was not vested in the first who held the office, probably because the first was regarded as defectively appointed inasmuch as he was not nominated by his predecessor. Thus this assembly of elders was the ultimate holder of the ruling power (*imperium*) and the divine protection (*auspicia*) of the Roman commonwealth, and furnished the guarantee for the uninterrupted continuance of that commonwealth and of its monarchical—though not hereditarily monarchical—organisation. If therefore the senate subsequently seemed to the Greeks to be an assembly of kings, this was only what was to be expected, it had in fact been such originally.

But it was not merely in so far as the idea of a perpetual kingdom found its living expression in this assembly, that it was an essential member of the Roman constitution. The council of elders, indeed, had no title to interfere with the official functions of the king. The latter doubtless, in the event of his being unable personally to lead the army or to decide a legal dispute, took his deputies at all times from the senate, for which reason subsequently the chief posts of command were regularly bestowed on senators alone, and senators were likewise employed by preference as jurymen. But the senate, in its collective capacity, was never consulted in the leading of the army or in the administration of justice, and therefore there was no right of military command and no jurisdiction vested in the senate of the later Rome. On the other hand the council of elders was reckoned the appointed guardian of the existing constitution with reference to the encroachments of the king and the burgesses. On the senate devolved the duty of examining every resolution adopted by the burgesses at the suggestion of the king, and of refusing to confirm it if it seemed to violate existing rights, or, which was the same thing, in all cases where a resolution of the community was constitutionally requisite—as on every alteration of the constitution, on the reception of new burgesses, on the declaration of an aggressive war—the council of elders had a right of veto. This must not indeed be regarded in the light of legislation pertaining jointly to the burgesses and the senate, somewhat in the same way as to the two chambers in the constitutional state of the present day, the senate was not so much law maker as law guardian, and could only cancel a decree when the community seemed to have

exceeded its competence—to have violated by its decree existing obligations towards the gods or towards foreign states or organic institutions of the community. But still it was a matter of the greatest importance that—to take an example—when the Roman king had proposed a declaration of war and the burgesses had converted it into a decree, and when the satisfaction which the foreign community seemed bound to furnish had been demanded in vain, the Roman envoy invoked the gods as witnesses of the wrong and concluded with the words, “But on these matters we shall consult the elders at home how we may obtain our rights;” it was only when the council of elders had declared its consent, that the war now decreed by the burgesses and approved by the senate was formally declared. Certainly it was neither the design nor the effect of this rule to occasion a constant interference of the senate with the resolutions of the burgesses, and by such guardianship to divest them of their sovereign power; but, as in the event of a vacancy in the supreme office the senate secured the continuance of the constitution, we find it here also as the shield of legal order in opposition even to the supreme power in the community.

With this arrangement was probably connected the apparently very ancient usage, in virtue of which the king previously submitted to the senate the proposals that were to be brought before the burgesses, and caused all its members one after another to give their opinion on the subject. As the senate had the right of cancelling the resolution adopted, it was natural for the king to assure himself beforehand that no opposition was to be apprehended from that quarter. Moreover, it was not in accordance with Roman habits to decide matters of importance without having taken counsel with other men; and the senate was called, in virtue of its very composition, to act as a state council to the ruler of the community. It was from this usage of giving counsel, far more than from the prerogatives which we have previously described, that the subsequent extensive powers of the senate were developed; but it was in its origin insignificant and really amounted only to the prerogative of the senators to answer, when they were asked a question. It may have been usual to ask the previous opinion of the senate in affairs of importance which were neither judicial nor military, as, for instance—apart from the proposals to be submitted to the assembly of the people—in the imposition of task works and extraordinary services generally, and in the disposal of the conquered territory; but such a previous consultation, though

usual, was not legally necessary. The king convoked the senate when he pleased, and laid before it his questions, no senator might declare his opinion unasked, still less might the senate meet without being summoned, except in the single case of its meeting on occasion of a vacancy to settle by lot the order of succession in the office of *interrex*. That the king was moreover at liberty to call in and consult other men whom he trusted alongside of, and at the same time with, the senators, cannot be proved by positive facts, but yet can hardly be doubted. The advice was not a command, the king might omit to comply with it, while the senate had no other means for giving practical effect to its views except the already mentioned right of cassation, which was far from being universally applicable. "I have chosen you, not that ye may be my guides, but that ye may do my bidding" these words, which a later author puts into the mouth of king Romulus, certainly express with substantial correctness the position of the senate in this respect.

Let us now sum up the results. Sovereignty, as conceived by the Romans, was inherent in the community of burgesses, but the burgess body was never entitled to act alone, and was only entitled to co operate in action, when there was to be a departure from existing rules. By its side stood the assembly of the elders of the community appointed for life, virtually a college of magistrates with regal power, called in the event of a vacancy in the royal office to administer it by means of their own members until it should be once more definitely filled, and entitled to overturn the illegal decrees of the community. The royal power itself was, as Sallust says, at once absolute and limited by the laws (*imperium legitimum*), absolute, in so far as the king's command, whether righteous or not, must in the first instance be unconditionally obeyed, limited, in so far as a command contravening established usage and not sanctioned by the true sovereign—the people—carried no permanent legal consequences. The oldest constitution of Rome was thus in some measure constitutional monarchy inverted. In that form of government the king is regarded as the possessor and vehicle of the plenary power of the state, and accordingly acts of grace, for example, proceed solely from him, while the administration of the state belongs to the representatives of the people and to the executive responsible to them. In the Roman constitution the community of the people exercised very much the same functions as belong to the king in England. the right of pardon, which in England is the prerogative of the crown, was in Rome

the prerogative of the community; while all government was vested in the president of the state.

If, in conclusion, we inquire as to the relation of the state itself to its individual members, we find the Roman polity equally remote from the laxity of a mere defensive combination and from the modern idea of an absolute omnipotence of the state. The community doubtless exercised power over the person of the burgess in the imposition of public burdens, and in the punishment of offences and crimes; but any special law inflicting, or threatening to inflict, punishment on an individual on account of acts not universally recognised as penal always appeared to the Romans, even when there was no flaw in point of form, an arbitrary and unjust proceeding. Far more restricted still was the power of the community in respect of the rights of property and the rights of family which were coincident, rather than merely connected, with these; in Rome the household was not absolutely annihilated and the community aggrandised at its expense, as was the case in the police organisation of Lycurgus. It was one of the most undeniable as well as one of the most remarkable principles of the primitive constitution of Rome, that the state might imprison or hang the burgess, but might not take away from him his son or his field or even lay taxation on him. In these and similar things the community itself was restricted from encroaching on the burgess, nor was this restriction merely ideal; it found its expression and its practical application in the constitutional veto of the senate, which was certainly entitled and bound to annul any resolution of the community contravening such an original right. No community was so all-powerful within its own sphere as the Roman; but in no community did the burgess who conducted himself unblameably live in an equally absolute security from the risk of encroachment on the part either of his fellow-burgesses or of the state itself.

These were the principles on which the community of Rome governed itself—a free people, understanding the duty of obedience, disowning all mystical ideas of divine right, absolutely equal in the eye of the law and one with another, bearing the sharply defined impress of a nationality of their own, while at the same time (as will be afterwards shown) they wisely as well as magnanimously opened their gates wide for intercourse with other lands. This constitution was neither manufactured nor borrowed; it grew up amidst and along with the Roman people. It was based, of course, upon the earlier constitutions—the

Italian, the Graeco-Italian, and the Indo Germanic, but a long succession of phases of political development must have intervened between such constitutions as the poems of Homer and the Germania of Tacitus delineate and the oldest organisation of the Roman community. In the acclamation of the Hellenic and in the shield-striking of the Germanic assemblies there was involved an expression of the sovereign power of the community, but a wide interval separated forms such as these from the organised jurisdiction and the regulated declaration of opinion of the Latin assembly of curies. It is possible, moreover, that as the Roman kings certainly borrowed the purple mantle and the ivory sceptre from the Greeks (not from the Etruscans); the twelve lictors also and various other external arrangements were introduced from abroad. But that the development of the Roman constitutional law belonged decidedly to Rome or, at any rate, to Latium, and that the borrowed elements in it are but small and unimportant, is clearly demonstrated by the fact that all its ideas are uniformly expressed by words of Latin coinage.

*This constitution practically established the fundamental conceptions on which the Roman commonwealth was thenceforth to be based, for, as long as there existed a Roman community, in spite of changes of form it was always held that the magistrate had absolute command, that the council of elders was the highest authority in the state, and what every exceptional resolution required the sanction of the sovereign or, in other words, of the community of the people*

## CHAPTER VI

### THE NON-BURGESSES AND THE REFORMED CONSTITUTION

THE history of every nation, and of Italy more especially, is a *Synoikismos* on a great scale. Rome, in the earliest form in which we have any knowledge of it, was already triune, and similar incorporations only ceased when the spirit of Roman vigour had wholly died away. Apart from that primitive process of amalgamation of the Ramnes, Tities, and Luceres, of which hardly anything beyond the bare fact is known, the earliest act of incorporation of this sort was that by which the Hill-burgesses became merged in the Palatine Rome. The organisation of the two communities, when they were about to be amalgamated, may be conceived to have been substantially similar; and in solving the problem of union they would have to choose between the alternatives of retaining duplicate institutions or of abolishing one set of these and extending the other to the whole united community. They adopted the former course with respect to all sanctuaries and priesthoods. Thenceforth the Roman community had its two guilds of Salii and two of Luperci, and as it had two forms of Mars, it had also two priests for that divinity—the Palatine priest, who afterwards usually took the designation of priest of Mars, and the Colline, who was termed priest of Quirinus. It is likely, although it can no longer be proved, that all the old Latin priesthoods of Rome—the Augurs, Pontifices, Vestals, and Fetials—originated in the same way from a combination of the priestly colleges of the Palatine and Quirinal communities. In the division into local regions the town on the Quirinal hill was added as a fourth region to the three belonging to the Palatine city, viz. the Suburan, Palatine, and suburban (*Esquiliae*). In the case of the original *Synoikismos* the annexed community was recognised after the union as at least a tribe (part) of the new burgess-body, and thus had in some sense a continued political existence; but this course was not followed in the case of the Hill-Romans or in any of the later processes of annexation. After the union the Roman community continued to be divided as formerly into three tribes,



Tities, Ramnes, and Luceres, and consequently that it was the *gentes* of the Quirinal city that formed the "second." The distinction was certainly more an honorary than a legal precedence; somewhat after the manner in which subsequently at the voting in the senate the senators taken from the old clans were always asked before those of the "lesser."<sup>1</sup> In like manner the Colline region ranked as inferior even to the suburban (Esquiline) region of the Palatine city; the priest of the Quirinal Mars as inferior to the priest of the Palatine Mars; the Quirinal *Salii* and *Luperci* as inferior to those of the Palatine. It thus appears that the *Synoikismos*, by which the Palatine community incorporated that of the Quirinal, marked an intermediate stage between the earliest *Synoikismos* by which the Tities, Ramnes, and Luceres became blended, and all those that took place afterwards. The annexed community was no longer allowed to form a separate tribe in the new whole, but it was permitted to furnish at least a distinct portion of each tribe; and its ritual institutions were not only allowed to subsist—as was afterwards done in other cases, after the capture of Alba for example—but were elevated into institutions of the united community, a course which was not pursued in any subsequent instance.

This amalgamation of two substantially similar commonwealths produced rather an increase in the size than a change in the intrinsic character of the existing community. A second process of incorporation, which was carried out far more gradually and had far deeper effects, may be traced back, so far as the first steps in it are concerned, to this epoch; we refer to the amalgamation of the burgesses and the *metoeci*. At all times there existed side by side with the burgesses in the Roman community persons who were protected, the "listeners" (*clientes*), as they were called from their being dependents on the several burgess-households, or the "multitude" (*plebes*,

<sup>1</sup> The appellation of "lesser clans" appears to have pertained not to these "second," but to the clans that came in subsequently, especially those of Alba. As to the *minores gentes*, apart from conjectures of little historical value as to the time of their admission into the burgess-body (Cic. *de Rep.* ii. 20, 25; Liv. i. 35; Tacit. *Ann.* xi. 25; Victor, *Viri* III. 6), nothing is recorded by tradition, except that they had a secondary position in voting in the senate (Cic. *l. c.*)—for which reason the *princeps senatus* could only be taken from the *maiores gentes*—and that the *Papirii* belonged to them (Cic. *ad Fam.* ix. 21). The latter circumstance is remarkable, for a canton derived its name from this *gens* (p. 35). As the *Fabii* seem to have belonged to the Hill-city (p. 53), and yet furnished several *principes senatus*, some distinction must be drawn between the Colline clans and the *minores*.

from *pleo*, *plenus*), as they were termed negatively with reference to their want of political rights<sup>1</sup>. The elements of this intermediate stage between the freeman and the slave were, as has been shown (p. 61), already in existence in the Roman household but in the community this class necessarily acquired greater importance *de facto* and *de jure*, and that from two reasons. In the first place the community might itself possess half free clients as well as slaves, especially after the conquest of a town and the breaking up of its commonwealth it might often appear to the conquering community advisable not to sell the mass of the burgesses formally as slaves, but to allow them the continued possession of freedom *de facto*, so that in the capacity as it were of freedmen of the community they entered into relations of clientship to the state, or in other words to the king. In the second place the very nature of the community as such, and its authority over the individual burgesses, implied a power of protecting their clients against an abusive exercise of the *dominium* still vested in them *de jure*. At an immemorially early period there was introduced into Roman law the principle on which rested the whole legal position of the *metoeci*, that, when a master on occasion of a public legal act—such as in the making of a testament, in an action at law, or in the census—expressly or tacitly surrendered his *dominium*, neither he himself nor his lawful successors should ever have power arbitrarily to recall that resignation or reassert a claim to the person of the freedman himself or of his descendants. The clients and their posterity did not by virtue of their position possess either the rights of burgesses or those of guests for to constitute a burgess a formal bestowal of the privilege was requisite on the part of the community, while the relation of guest presumed the holding of burgess rights in a community which had a treaty with Rome. What they did obtain was a legally protected possession of freedom, while they continued to be *de jure* non free. Accordingly for a lengthened period their relations in all matters of property seem to have been, like those of slaves, regarded in law as relations of the patron, so that it was necessary that the latter should represent them in processes at law, in connection with which the patron might levy contributions from them in case of need, and call them to account before him criminally. By degrees, however, the body of *metoeci* outgrew these fetters, they began to acquire and to alienate in their own name, and to claim and obtain legal

<sup>1</sup> *Habuit plebem in clientelas principum descriptam* Cicero *de Rep.* ii. 9

redress from the Roman tribunals without the formal intervention of their patron.

In matters of marriage and inheritance, equality of rights with the burgesses was far sooner conceded to foreigners (p. 39) than to those who were strictly non-free and belonged to no community; but the latter could not well be prohibited from contracting marriages in their own circle and from forming the legal relations arising out of marriage—those of marital and paternal power, of *agnatio* and *gentilitas*, of heritage and of tutelage—after the model of the corresponding relations among the burgesses.

Similar consequences to some extent were produced by the exercise of the *jus hospitii*, in so far as by virtue of it foreigners settled permanently in Rome and established a household, and perhaps even acquired immovable estate there. In this respect the most liberal principles must have prevailed in Rome from primitive times. The Roman law knew no distinctions of quality in inheritance and no locking up of estates. It allowed on the one hand to every man capable of making a disposition the entirely unlimited disposal of his property during his lifetime; and on the other hand, so far as we know, to every one who was at all entitled to have dealings with Roman burgesses, even to the foreigner and the client, the unlimited right of acquiring movable, and (from the time when movables could be held as private property at all) also immovable, estate in Rome. Rome was in fact a commercial city, which was indebted for the commencement of its importance to international commerce, and which with a noble liberality granted the privilege of settlement to every child of an unequal marriage, to every manumitted slave, to every stranger who surrendering his rights in his native land emigrated to Rome, and in fact—to a great extent—even to the foreigner who retained his rights as a burgess in any friendly community.

At first, therefore, the burgesses were in reality the protectors, the non-burgesses were the protected; but in Rome, as in all communities which freely admit settlement but do not throw open the rights of citizenship, it soon became a matter of increasing difficulty to harmonise this relation *de jure* with the actual state of things. The flourishing of commerce, the right of settling in the capital secured to all Latins by the Latin league, the greater frequency of manumissions as prosperity increased, necessarily occasioned even in peace a disproportionate increase of the number of *metoeci*. That number was

further augmented by the greater part of the population of the neighbouring towns subdued by force of arms and incorporated with Rome, which, whether it removed to the city or remained in its old home now reduced to the rank of a village, ordinarily exchanged its native burgess rights for those of a Roman *metoskos*. Moreover the burdens of war fell exclusively on the old burgesses and were constantly thinning the ranks of their patrician descendants, while the *metoeci* shared in the results of victory without having to pay for it with their blood.

Under such circumstances the only wonder is that the Roman patriciate did not disappear much more rapidly than it actually did. The fact of its still continuing for a prolonged period a numerous community, can scarcely be accounted for by the bestowal of Roman burgess rights on several distinguished foreign clans, which after emigrating from their homes or after the conquest of their cities received the Roman franchise—for such grants appear to have occurred but sparingly from the first, and to have become always the more rare as the privilege increased in value. A cause of greater influence, in all likelihood, was the introduction of the civil marriage, by which a child begotten of patrician parents living together as married persons, although without *confarreatio*, acquired full burgess rights equally with the child of a *confarreatio* marriage. At least it is probable that the civil marriage, which already existed in Rome before the Twelve Tables but was certainly not an original institution, was introduced for the purpose of preventing the disappearance of the patriciate.<sup>1</sup> Connected with this were the measures which were already in the earliest times adopted with a view to maintain a numerous posterity in the several households (p. 58), and it is even not incredible that for a similar reason all children of patrician mothers, begotten in unequal marriage or out of marriage, were admitted in later times as members of the burgess body.

Nevertheless the number of the *metoeci* was constantly on the

<sup>1</sup> The enactments of the Twelve Tables respecting *usus* show clearly that they found the civil marriage already in existence. In like manner the high antiquity of the civil marriage is clearly evident from the fact that it equally with the religious marriage necessarily involved the marital power (p. 57) and only differed from the religious marriage as respected the manner in which that power was acquired. The latter of itself necessarily gave full marital power to the husband whereas in the case of civil marriage one of the general forms of acquiring property used on other occasions—delivery on the part of a person entitled to give away or prescription—was requisite in order to lay the foundation of a valid marital power and thereby to constitute a valid marriage. The marital power was simply the husband's right of property in his wife.

increase and liable to no diminution, while that of the burgesses was at the utmost perhaps not decreasing; and in consequence the *metoeci* necessarily acquired by imperceptible degrees another and a freer position. The non-burgesses were no longer merely emancipated slaves or strangers needing protection; their ranks included the former burgesses of the Latin communities vanquished in war, and more especially the Latin settlers who lived in Rome not by the favour of the king or of any other burgess, but by federal right. Legally unrestricted in the acquiring of property, they gained money and estate in their new home, and bequeathed, like the burgesses, their homesteads to their children and children's children. The vexatious relation of dependence on particular burgess-households became gradually relaxed. If the liberated slave or the immigrant stranger still held an entirely isolated position in the state, such was no longer the case with his children, still less with his grandchildren, and this very circumstance of itself rendered their relations to the patron of less moment. While in earlier times the client was exclusively left dependent for legal protection on the intervention of the patron, the more the state became consolidated and the importance of the clanships and households in consequence diminished, the more frequently must the individual client have obtained justice and redress of injury, even without the intervention of his patron, from the king. A great number of the non-burgesses, particularly the members of the dissolved Latin communities, were probably from the first clients not of any private person at all, but of the king for the time being, and thus served only the single master to whom the burgesses also, although in different fashion, rendered obedience. The king, whose sovereignty over the burgesses was in truth ultimately dependent on the good-will of his subjects, must have welcomed the means of forming out of his own dependents a body bound to him by closer ties, whose gifts and lapsed successions replenished his treasury—even the protection-money which the *metoeci* paid to the king (p. 73) may have been of this nature—whose taskwork he could lay claim to in his own right, and whom he found always ready to swell the train of their protector.

Thus there grew up by the side of the burgesses a second community in Rome: out of the clients arose the Plebs. This change of name is significant. In law there was no difference between the client and the plebeian, the "dependent" and the "man of the multitude;" but in fact there was a very important

one, for the former term brought into prominence the relation of dependence on a member of the politically privileged class, the latter suggested merely the want of political rights. As the feeling of special dependence diminished, that of political inferiority forced itself on the thoughts of the free *melœci*, and it was only the sovereignty of the king ruling equally over all that prevented the outbreak of political conflict between the privileged and the non privileged classes.

The first step, however, towards the amalgamation of the two portions of the people scarcely took place in the revolutionary way which their antagonism appeared to foreshadow. The reform of the constitution, which bears the name of king Servius Tullius, is indeed, as to its historical origin, involved in the same darkness with all the events of a period respecting which we learn whatever we know not by means of historical tradition, but solely by means of inference from the institutions of later times. But its character testifies that it cannot have been a change demanded by the plebeians, for the new constitution assigned to them duties alone, and not rights. More probably it must have owed its origin either to the wisdom of one of the Roman kings, or to the urgent desire of the burgesses that they should no longer be exclusively liable to military service, and that the non burgesses also should contribute to the levy. By the Servian constitution the duty of service and the obligation connected with it of making advances to the state in case of need (the *tributum*), instead of being imposed on the burgesses as such, were laid upon the possessors of land, the "domiciled" or "freeholders" (*adsidui*), or the "wealthy" (*locupletes*) whether they were burgesses or merely *melœci*, service in the army was changed from a personal burden into a burden on property. The details of the arrangement were as follow.

Every freeholder from the seventeenth to the sixtieth year of his age, including children in the household of fathers who were freeholders, without distinction of birth, was under obligation of service, so that even the manumitted slave had to serve, if in an exceptional case he had come into possession of landed property. We do not know how the strangers who held landed property in Rome were dealt with, probably there existed a regulation, according to which no foreigner was allowed to acquire land in Rome unless he actually transferred his residence thither and took his place among the *melœci*, or in other words, among those bound to serve in war. The body of men liable to serve was distributed according to the size of their portions of

land into five "summonings" (*classes*, from *calare*). Of these, however, only such as were liable to the first summoning, the possessors of an entire hide<sup>1</sup> of land, were obliged to appear in complete armour, and in that point of view were pre-eminently

<sup>1</sup> [*Hufe*, hide, as much as can be properly tilled with one plough, called in Scotland a plough-gate.]

As to the question, whether the assessments of the Servian census were originally reckoned in money or landed property, we may observe:

(1) Our information regarding it is derived from the scheme of the census preserved in the archives of the censors, the *ensoriae tabulae* (Cic. *Orat.* c. 46, 156) or the *descriptio classium quam fecit Servius Tullius* (Fest. s. v. *procum*, p. 249 Müll.). This scheme of course presented the Servian constitution as it stood in the last period of its practical application, and therefore with all the modifications which the course of time had introduced. As to the original arrangements we have no evidence; for the statement of the later writers who in accordance with their usual custom attribute that scheme to Servius Tullius has no claim to authority.

(2) It is unnecessary to dwell on the intrinsic improbability that in an agricultural state like the Roman, and in a country where the growth of money was so slow and difficult, the civil organisation would be based upon a purely monetary rating. But it is of importance to note that, as Boeckh in particular has most fully shown in his *Metrolologische Untersuchungen*, the sums specified are for so early a period much too high. 100,000 heavy *asses* or pounds of copper—equal according to my investigations to 400 Roman pounds of silver, or about £1050—is an incredible rating for a full burgess at a time when an ox was valued at 100 *asses* = £1, 1s. Boeckh's hypothesis that the assessments are to be understood as referring to the lighter *as* (an hypothesis, by-the-way, which rests on the same basis as mine, viz. that the scheme before us is that of the later, and not that of the original, census) has of necessity been abandoned, for there are positive proofs that the sums of the census as given by tradition were reckoned by the heavy *as* equal to the sesterlius. Nothing remains but to assume that the assessments were originally reckoned in land, and were converted into money at a time when landed property had attained a high money-value.

(3) Landed property, as is well known, formed the qualification for the *tribus rusticae* all along and for the *tribus urbanae* down to the censorship of Appius Claudius in  $\frac{44}{312}$ . In my work on the Roman Tribes I have proved that the centuries and classes proceeded from the tribes, and therefore (setting aside the additional centuries of *liticines*, etc.) the qualification of a *tribulis* supplied the basis for the proportional arrangement of the classes.

(4) A direct and in the highest sense trustworthy testimony is furnished by the Twelve Tables in the enactment: *adsiduo [civi] vindex adsiduus esto; proletario civi qui volet vindex esto*. The *proletarius* was the *capite census* (Fest. v. *proletarium*; Cic. *de Rep.* ii. 22), that is, the burgess not included within the five classes; *adsiduus*, on the other hand, denoted any burgess belonging to the five classes (Charisius, p. 58; Putsch, p. 75, Keil; comp. Gell. xix. 8, 15; *classicus adsiduusque, non proletarius*) as indeed necessarily follows from their being contrasted. Now *adsiduus*, as a comparison between it and *residuus*, *dividuus*, etc., incontestably shows, is precisely identical in signification with the German *ansässig* ("settled on the soil," "permanently domiciled"); and the same holds true of *locuples*, which is put by the ancients as synonymous with *adsiduus* (Gell. xvi. 10, 15). Compare, moreover, the passage in Livy, xlv. 15; *eos, qui praedium praediave rustica pluris sesterium triginta millium haberent, censendi ius factum est*; a formula in which, in my opinion, a full indication has been preserved of the nature of the so-called Servian assessments.

regarded as \* those summoned to war-service (*classeis*). The four following ranks of smaller land holders—the possessors respectively of three-fourths of a half, of a quarter, or of an eighth of a normal farm—were required to render service, but not to equip themselves in complete armour. As the land happened to be at that time apportioned almost the half of the farms were entire hides, while each of the classes possessing respectively three-fourths, the half, and the quarter of a hide, amounted to scarcely an eighth of the freeholders, and those again holding an eighth of a hide amounted to fully an eighth of the whole number. It was accordingly laid down as a rule that, in the case of the infantry, the levy should be in the proportion of eight holders of an entire hide twenty from each of the three next classes and twenty-eight from the last.

The cavalry was similarly dealt with: the number of divisions in it was tripled, and the only difference in this case was that the six divisions already existing retained the old names (*Tribus Iunioribus, Iunioribus primis and secundis*) although the non burghesses were not excluded from serving in these or the burghesses from serving in the twelve new divisions. The reason for this difference is probably to be sought in the fact that at that period the divisions of infantry were embodied anew for each campaign and discharged on their return home whereas in the cavalry horses as well as men were on military grounds kept together also in time of peace and held their regular drills, which were perpetuated as festivals of the Roman equites down to the latest times.<sup>1</sup> Accordingly the squadrons once constituted were allowed, even under this reform, to keep their ancient names.

They chose for the cavalry the most opulent and considerable landholders among the burghesses and non burghesses, and at an early period perhaps from the very first a certain measure of land seems to have been regarded as involving an obligation to serve in the cavalry. Along with these, however there existed a number of free places in the ranks, for the unmarried women, the boys under age, and the old men without children who held land, were bound instead of personal service to provide horses for particular troopers (each trooper had two), and to furnish them with fodder. As regards the whole, there was one horse man to nine foot soldiers but in actual service the horsemen were used more sparingly. The non freeholders (children

<sup>1</sup> For the same reason when the levy was enlarged after the admission of the Hill Romans the equites were doubled while in the infantry force instead of the single gathering (*legio*) two legions were called out (p. 85).

producers," *proletarii*) had to supply workmen and musicians for the army as well as a number of substitutes (*adcensi*, supernumeraries), who marched with the army unarmed (*velati*), and, when vacancies occurred in the field, took their places in the ranks equipped with the armour of the sick or of the fallen.

To facilitate the levying of the infantry, the city and its precincts were distributed into four "parts" (*tribus*); by which the old triple division was superseded, at least so far as concerned its local significance. These were the Palatine, which comprehended the height of that name along with the Velia; the Suburan, to which the street so named, the Carinae, and the Caelian belonged; the Esquiline; and the Colline, formed by the Quirinal and Viminal, the "hills" as contrasted with the "mounts" of the Capitol and Palatine. We have already spoken of the formation of these regions (p. 50), and shown how they originated out of the ancient double city of the Palatine and the Quirinal. Beyond the walls each region must have included the land-district adjacent to it, for Ostia was reckoned in the Palatine region. That the four regions were nearly on an equality in point of numbers is evident from their contributing equally to the levy. This division, which had primary reference to the soil alone and applied only inferentially to those who possessed it, was merely for administrative purposes, and never had any religious significance attached to it; for the fact that in each of the city-districts there were six chapels of the enigmatical Argei no more confers upon them the character of ritual districts than the erection of an altar to the Lares in each street implies such a character in the streets.

Each of these four levy-districts had to furnish the fourth part not only of the force as a whole, but of each of its military subdivisions, so that each legion and each century numbered an equal proportion of conscripts from each region; evidently for the purpose of merging all distinctions of a gentile and local nature in the one common levy of the community, and especially of blending, through the powerful levelling influence of the military spirit, the *metoeci* and the burgesses into one people.

In a military point of view, the male population capable of bearing arms was divided into a first and second levy, the former of which, the "juniors" from the commencement of the seventeenth to the completion of the forty-sixth year, were especially employed for service in the field, while the "seniors" guarded the walls at home. The military unit in the infantry continued as formerly to be the legion (p. 71), a phalanx arranged

and armed exactly in the old Dorian style, of three thousand men, who, six file deep, formed a front of five hundred heavy armed soldiers, to which were attached twelve hundred "unarmed" (*velites*, see p. 72, note). The four first ranks of each phalanx were formed by the full armed hoplites of the first class, the holders of an entire hide; in the fifth and sixth were placed the less completely equipped farmers of the second and third class, the two last classes were annexed as rear ranks to the phalanx or fought by its side as light-armed troops. Provision was made for readily supplying the accidental gaps which were so injurious to the phalanx. Thus there served in each legion forty-two centuries or 4200 men, of whom 3000 were hoplites, 2000 from the first class, 500 from each of the two following, and 1200 light armed, of whom 500 belonged to the fourth and 700 to the fifth class, each levy district furnished for every legion 1050, and for every century 25 men. In ordinary cases two legions took the field, while two others did garrison duty at home. The normal amount accordingly of the infantry reached four legions or 16,800 men, eighty centuries from the first class, twenty from each of the three following, and twenty-eight from the last class, not taking into account the two centuries of substitutes or those of the workmen and the musicians. To all these fell to be added the cavalry, consisting of 1500 horse, on taking the field, however, only three centuries were usually assigned to each legion. The normal amount of the Roman army of the first and second levy rose accordingly to close upon 20,000 men, which number must beyond doubt have corresponded on the whole to the effective strength of the serviceable population of Rome, as it stood at the time when the new organisation was introduced. As the population increased, the number of centuries was not augmented, but the several divisions were strengthened by supernumeraries, without altogether losing sight however of the fundamental number. Indeed the Roman corporations in general, strictly closed as to numbers, very frequently evaded the limits imposed upon them by admitting supernumerary members.

This new organisation of the army was accompanied by a more careful supervision of landed property on the part of the state. It was now either enacted for the first time or, if not, at any rate ordained more precisely, that a land register should be established, in which the several proprietors of land should have their fields with all their appurtenances, servitudes, slaves, beasts of draught and of burden, duly recorded. Every act of

alienation, which did not take place publicly and before witnesses, was declared null; and a revision of the register of landed property, which was at the same time the levy-roll, was directed to be made every fourth year. The *mancipatio* and the census thus arose out of the Servian military organisation.

It is evident at a glance that this whole institution was from the outset of a military nature. In the whole detailed scheme we do not encounter a single feature suggestive of any destination of the centuries to other than purely military purposes; and this alone must, with every one accustomed to consider such matters, form a sufficient reason for pronouncing its application to political objects a later innovation. The regulation by which every one who had passed his sixtieth year was excluded from the centuries, becomes absolutely absurd, if they were intended from the first to form a representation of the burgess-community similar to and parallel with the curies. Although, however, the organisation of the centuries was introduced merely to enlarge the military resources of the burgesses by the inclusion of the *metoeci*—so that there is no greater error than to represent that organisation as the introduction of a timocracy in Rome—the new obligation imposed upon the inhabitants to bear arms exercised in its consequences a material influence on their political position. He who is obliged to become a soldier must also, wherever the state is not rotten, have it in his power to become an officer; beyond question plebeians also could now be nominated in Rome as centurions and as military tribunes. Although, moreover, the institution of the centuries was not intended to curtail the political privileges exclusively possessed by the burgesses as hitherto represented in the curies, yet it was inevitable that those rights, which the burgesses hitherto had exercised not as the assembly of curies, but as the burgess-levy, should pass to the new centuries of burgesses and *metoeci*. Henceforward, accordingly, it was the centuries who authorised the testaments of soldiers made before battle (p. 75), and whose consent the king had to ask before beginning an aggressive war (p. 76). It is important, on account of the subsequent course of development, to note these first indications of the centuries taking part in public affairs; but the centuries came to acquire such rights at first more in the way of natural sequence than of direct design, and subsequently to the Servian reform, as before, the assembly of the curies was regarded as the proper burgess-community, whose homage bound the whole people in allegiance to the king. By the side of these full-burgesses stood the clients

having freeholds or, as they were afterwards called, the "burgesses without right of voting" (*cives sine suffragio*), as participating in the public burdens, the service of the army, tribute, and taskwork (hence *municipes*), but they ceased to pay protection money, which was thenceforth paid only by the *meloei* who were beyond the pale of the tribes, that is, who were non-freeholders (*aerarii*)

In this way, while hitherto there had been distinguished only two classes of members of the community, burgesses and clients, there were now established three political classes of active, passive, and protected members respectively—categories, which exercised a dominant influence over the constitutional law of Rome for many centuries

When and how this new military organisation of the Roman community came into existence can only be conjectured. It presupposes the existence of the four regions, in other words, the Servian wall must have been erected before the reform took place. But the territory of the city must also have considerably exceeded its original limits, when it could furnish 8000 holders of entire hides and as many who held lesser portions, or sons of such holders, and in addition a number of larger landholders and their sons. We are not acquainted with the superficial extent of the normal Roman farm, but it is not possible to estimate it as under twenty *jugera*<sup>1</sup>. If we reckon as a minimum 10,000 full hides, this would imply a superficies of 190 square miles of arable land; and on this calculation, if we make a very moderate allowance for pasture, the space occupied by houses, and downs, the territory, at the period when this reform was carried out, must have had at least an extent of 420 square miles, probably an extent still more considerable. If we follow tradition, we must assume a number of 84,000 burgesses who were freeholders and capable of bearing arms, for such, we are told, were the

<sup>1</sup> Even about  $\frac{489}{373}$ , allotments of land of seven *jugera* appeared to those that received them small (Val Max iii 3, 5. Colum i *praef* 14, i 3, 11, Plin *H N* xviii 3 18. fourteen *jugera*, Victor, 33. Plutarch, *Apophth Reg et Imp* p 235. Dubner, in accordance with which Plutarch, *Crass* 2, is to be corrected)

A comparison of the Germanic proportions gives the same result. The *jugum* and the *morgen* (nearly  $\frac{1}{2}$  of an English acre), both originally measures rather of labour than of surface, may be looked upon as originally identical. As the German hide consisted ordinarily of 30, but not unfrequently of 20 or 40 *morgen* and the homestead frequently at least among the Anglo-Saxons amounted to a tenth of the hide, it will appear, taking into account the diversity of climate and the size of the Roman *heredium* of 2 *jugera*, that the hypothesis of a Roman hide of 20 *jugera* is not unsuitable to the circumstances of the case. It is to be regretted that on this very point tradition leaves us without information

numbers ascertained by Servius at the first census. A glance at the map, however, shows that this number must be fabulous; it is not even a genuine tradition, but a conjectural calculation, by which the 16,800 capable of bearing arms who constituted the normal strength of the infantry appeared to yield, on an average of five persons to each family, the number of 84,000 free burghesses active and passive, and this number was confounded with that of those capable of bearing arms. But even according to the more moderate estimates laid down above, with a territory of some 16,000 hides containing a population of nearly 20,000 capable of bearing arms and at least three times that number of women, children, and old men, persons who had no land, and slaves, it is necessary to assume not merely that the region between the Tiber and Anio had been acquired, but that the Alban territory had also been conquered, before the Servian constitution was established; a result with which tradition agrees. What were the numerical proportions of patricians and plebeians originally in the army, cannot be ascertained.

Upon the whole it is plain that this Servian institution did not originate in a conflict between the orders. On the contrary, it bears the stamp of a reforming legislator like the constitutions of Lycurgus, Solon, and Zaleucus; and it has evidently been produced under Greek influence. Particular analogies may be deceptive, such as the coincidence noticed by the ancients that in Corinth also widows and orphans were charged with the provision of horses for the cavalry; but the adoption of the armour and arrangements of the Greek hoplite system was certainly no accidental coincidence. Now if we consider the fact that it was in the second century of the city that the Greek states in Lower Italy advanced from the pure clan-constitution to a modified one, which placed the preponderance in the hands of the landholders, we shall recognise in that movement the impulse which called forth in Rome the Servian reform—a change of constitution resting in the main on the same fundamental idea, and only directed into a somewhat different course by the strictly monarchical form of the Roman state.<sup>1</sup>

<sup>1</sup> The analogy also between the so-called Servian constitution and the treatment of the Attic *metoeci* deserves to be particularly noticed. Athens, like Rome, opened her gates at a comparatively early period to the *metoeci*, and afterwards summoned them also to share the burdens of the state. We cannot suppose that any direct connection existed in this instance between Athens and Rome; but the coincidence serves all the more distinctly to show how the same causes—urban centralisation and urban development—everywhere and of necessity produce similar effects.

## CHAPTER VII

### THE HEGEMONY OF ROME IN LATIUM

THE brave and impassioned Italian race doubtless never lacked feuds among themselves and with their neighbours as the country flourished and civilisation advanced, feuds must have become gradually changed into war and raids for pillage into conquest, and political powers must have begun to assume shape. No Italian Homer, however, has preserved for us a picture of these earliest frays and plundering excursions, in which the character of nations is moulded and expressed like the mind of the man in the sports and enterprises of the boy, nor does historical tradition enable us to form a judgment, with even approximate accuracy, as to the outward development of power and the comparative resources of the several Latin cantons. It is only in the case of Rome, at the utmost, that we can trace in some degree the extension of its power and of its territory. The earliest demonstrable boundaries of the united Roman community have been already stated (p. 46), in the landward direction they were on an average just about five miles distant from the capital of the canton, and it was only toward the coast that they extended as far as the mouth of the Tiber (*Ostia*), at a distance of somewhat more than fourteen miles from Rome. "The new city," says Strabo, in his description of the primitive Rome, "was surrounded by larger and smaller tribes, some of whom dwelt in independent villages and were not subordinate to any national union." It seems to have been at the expense of these neighbours of kindred lineage in the first instance that the earliest extensions of the Roman territory took place.

The Latin communities situated on the upper Tiber and between the Tiber and the Anio—Antemnae, Crustumerium, Ficulnea, Medullia, Caenina, Corniculum, Cameria, Collatia,—were those which pressed most closely and sorely on Rome, and they appear to have forfeited their independence in very early times to the arms of the Romans. The only community that retained independence in this district in after times was Nomentum, which perhaps saved its freedom by alliance with Rome. The possession of Fidenae, the *tête du pont* of

the Etruscans on the left bank of the Tiber, was contested between the Latins and the Etruscans—in other words, between the Romans and Veientes—with varying results. The struggle with Gabii, which held the plain between the Anio and the Alban hills, was for a long period equally balanced: down to late times the Gabine dress was deemed synonymous with that of war, and Gabine ground the prototype of hostile soil.<sup>1</sup> By these conquests the Roman territory was probably extended to about 190 square miles. Another very early achievement of the Roman arms was preserved, although in a legendary dress, in the memory of posterity with greater vividness than those obsolete struggles: Alba, the ancient sacred metropolis of Latium, was conquered and destroyed by Roman troops. How the collision arose, and how it was decided, tradition does not tell: the battle of the three Roman with the three Alban brothers born at one birth is nothing but a personification of the struggle between two powerful and closely related cantons, of which the Roman at least was triune. We know nothing at all beyond the naked fact of the subjugation and destruction of Alba by Rome.<sup>2</sup>

It is not improbable, although wholly a matter of conjecture, that, at the same period when Rome was establishing herself on the Anio and on the Alban hills, Praeneste, which appears at a later date as mistress of eight neighbouring townships,

<sup>1</sup> The formulae of accursing for Gabii and Fidenae are quite as characteristic (Macrob. *Sat.* iii. 9). It cannot, however, be proved and is extremely improbable that, as respects these towns, there was an actual historical accursing of the ground on which they were built, such as really took place at Veii, Carthage, and Fregallae. It may be conjectured that old accursing formularies were applied to those two hated towns, and were considered by later antiquaries as historical documents.

<sup>2</sup> There seems to be no good ground for the doubt recently expressed in a quarter deserving of respect as to the destruction of Alba having really been the act of Rome. It is true, indeed, that the account of the destruction of Alba is in its details a series of improbabilities and impossibilities; but that is true of every historical fact inwoven into legend. To the question as to the attitude of the rest of Latium towards the struggle between Rome and Alba, we are unable to give an answer; but the question itself rests on a false assumption, for it is not proved that the constitution of the Latin league absolutely prohibited a separate war between two Latin communities (p. 39). Still less is the fact that a number of Alban families were received into the burgess-union of Rome inconsistent with the destruction of Alba by the Romans. Why may there not have been a Roman party in Alba just as there was in Capua? The circumstance, however, of Rome claiming to be in a religious and political point of view the heir-at-law of Alba may be regarded as decisive of the matter; for such a claim could not be based on the migration of individual clans to Rome, but could only be based, as it actually was, on the conquest of the town.

Tibur, and others of the Latin communities were similarly occupied in enlarging the circle of their territory and laying the foundations of their subsequent far from inconsiderable power.

We feel the want of accurate information as to the legal character and legal effects of these early Latin conquests, still more than we miss the records of the wars in which they were won. Upon the whole it is not to be doubted that they were treated in accordance with the system of incorporation, out of which the tripartite community of Rome had arisen, excepting that the cantons who were compelled by arms to enter the combination did not, like the primitive three, preserve some sort of relative independence as separate regions in the new united community, but became so entirely merged in the general whole as to be no longer traced (p. 84). However far the power of a Latin canton might extend, in the earliest times it tolerated no political centre except the proper capital, and still less founded independent settlements, such as the Phœnicians and the Greeks established, thereby creating in their colonies clients for the time being and future rivals to the mother city. In this respect, the treatment which Ostia experienced from Rome deserves special notice. The Romans could not and did not wish to prevent the rise *de facto* of a town at that spot, but they allowed the place no political independence, and accordingly they did not bestow on those who settled there any local burgess rights, but merely allowed them to retain, if they already possessed, the general burgess rights of Rome.<sup>1</sup> This principle also determined the fate of the weaker cantons, which by force of arms or by voluntary submission became subject to the stronger. The stronghold of the canton was razed, its domain was added to the domain of the conquerors, and a new home was instituted for the inhabitants as well as for their gods in the capital of the victorious canton. This must not be understood absolutely to imply a formal transportation of the conquered inhabitants to the new capital, such as was the rule at the founding of cities in the East. The towns of Latium at this time can have been little more than the strongholds and weekly markets of the husbandmen. It was sufficient in general that the market and the seat of justice should be transferred to the new capital.

<sup>1</sup> Hence was developed the conception in political law of the maritime colony or colony of burgesses (*colonia civium Romanorum*) that is of a community separate in fact but not independent or possessing a will of its own in law—a community which merged in the capital as the *peculium* of the son merged in the property of the father, and which as a standing garrison was exempt from serving in the legion.

That even the temples often remained at the old spot is shown in the instances of Alba and of Caenina, towns which must still after their destruction have retained some semblance of existence in connection with religion. Even when the strength of the place that was razed rendered it really necessary to remove the inhabitants, they would be frequently settled, with a view to the cultivation of the soil, in the open hamlets of their old domain. That the conquered, however, were not unfrequently compelled either as a whole or in part to settle in their new capital, is proved, more satisfactorily than all the several stories from the legendary period of Latium could prove it, by the maxim of Roman state-law, that only he who had extended the boundaries of the territory was entitled to advance the wall of the city (the *pomerium*). Of course the conquered, whether transferred or not, were ordinarily compelled to occupy the legal position of clients;<sup>1</sup> but particular individuals or clans occasionally had burgess-rights or, in other words, the patriciate conferred upon them. In the time of the empire the Alban clans were still recognised which were introduced among the burgesses of Rome after the fall of their native seat; amongst these were the Julii, Servilii, Quinctilii, Cloelii, Geganii, Curiatii, Metilii: the memory of their descent was preserved by their Alban family shrines, among which the sanctuary of the *gens* of the Julii at Bovillae again rose under the empire into great reputation.

This centralising process, by which several small communities became absorbed in a larger one, of course was not an idea specially Roman. Not only did the development of Latium and of the Sabellian stocks hinge upon the distinction between national centralisation and cantonal independence; the case was the same with the development of the Hellenes. Rome in Latium and Athens in Attica arose out of a like amalgamation of many cantons into one state; and the wise Thales suggested a similar fusion to the hard-pressed league of the Ionic cities as the only means of saving their nationality. But Rome adhered to this principle of unity with more consistency, earnestness, and success than any other Italian canton; and just as the

<sup>1</sup> To this the enactment of the Twelve Tables undoubtedly has reference: *Nex[i mancipiique] forti sanatique idem ius esto*, that is, in dealings *privati juris* the "sound" and the "recovered" shall be on a footing of equality. The Latin allies cannot be here referred to, because their legal position was defined by federal treaties, and the law of the Twelve Tables treated only of the law of Rome. The *sanates* were the *Latini prisci cives Romani*, or in other words, the communities of Latium compelled by the Romans to enter the plebeiate.

prominent position of Athens in Hellas was the effect of her early centralisation, so Rome was indebted for her greatness solely to the same system far more energetically applied

While the conquests of Rome in Latium may be mainly regarded as direct extensions of her territory and people presenting the same general features, a further and special significance attached to the conquest of Alba. It was not merely the problematical size and presumed riches of Alba that led tradition to assign a prominence so peculiar to its capture. Alba was regarded as the metropolis of the Latin confederacy, and had the right of presiding among the thirty communities that belonged to it. The destruction of Alba, of course, no more dissolved the league itself than the destruction of Thebes dissolved the Boeotian confederacy,<sup>1</sup> but, in entire consistency with the strict application of the *jus privatum* which was characteristic of the Latin laws of war, Rome now claimed the presidency of the league as the heir at law of Alba. What sort of crisis preceded or followed the acknowledgment of this claim, or whether there was any crisis at all, we cannot tell. Upon the whole the hegemony of Rome over Latium appears to have been speedily and generally recognised, although particular communities, such as Labici and above all Gabii, may for a time have declined to own it. Even at that time Rome was probably a maritime power in contrast to the Latin "land," a city in contrast to the Latin villages, and a single state in contrast to the Latin confederacy, even at that time it was only in conjunction with and by means of Rome that the Latins could defend their coasts against Carthaginians, Hellenes, and Etruscans, and maintain and extend their landward frontier in opposition to their restless neighbours of the Sabellian stock. Whether the accession to her material resources which Rome obtained by the subjugation of Alba was greater than the increase of her power by the capture of Antemnae or Collatia, cannot be ascertained. It is quite possible that it was not by the conquest of Alba that Rome was first constituted the most powerful community in Latium, she may have been so long before, but she did gain in consequence of that event the presidency at the Latin festival, which became the basis of the future

<sup>1</sup> The community of Bovillae appears even to have been formed out of part of the Alban domain and to have been admitted in room of Alba among the autonomous Latin towns. Its Alban origin is attested by its having been the seat of worship for the Julian gens and by the name *Albanus Longus* is *Bovillenses* (Orelli Henzen 119 2252 6019) its autonomy by Dionysius v 61 and Cicero *pro Plancio* 9 23.

hegemony of the Roman community over the whole Latin confederacy. It is important to indicate as definitely as possible the nature of a relation so influential.

The form of the Roman hegemony over Latium was, in general, that of an alliance on equal terms between the Roman community on the one hand and the Latin confederacy on the other, establishing a perpetual peace throughout the whole domain and a perpetual league for offence and defence. "There shall be peace between the Romans and all communities of the Latins, as long as heaven and earth endure; they shall not wage war with each other, nor call enemies into the land, nor grant passage to enemies: help shall be rendered by all in concert to any community assailed, and whatever is won in joint warfare shall be equally distributed." The secured equality of rights in trade and exchange, in commercial credit and in inheritance tended, by the manifold relations of commercial intercourse to which it led, still further to interweave the interests of communities already connected by the ties of similar language and manners, and in this way produced an effect somewhat similar to that of the abolition of customs-restrictions in our own day. Each community certainly retained in form its own law: down to the time of the Social war Latin law was not necessarily identical with Roman: we find, for example, that the enforcing of betrothal by action at law, which was abolished at an early period in Rome, continued to subsist in the Latin communities. But the simple and purely national development of Latin law, and the endeavour to maintain as far as possible uniformity of rights, led at length to the result, that the law of private relations was in matter and form substantially the same throughout all Latium. This uniformity of rights comes very distinctly into view in the rules laid down regarding the loss and recovery of freedom on the part of the individual burgess. According to an ancient and venerable maxim of law among the Latin stock no burgess could become a slave in the state wherein he had been free, or suffer the loss of his burgess-rights while he remained within it: if he was to be punished with the loss of freedom and of burgess-rights (which was the same thing), it was necessary that he should be expelled from the state and should enter on the condition of slavery among strangers. This maxim of law was now extended to the whole territory of the league; no member of any of the federal states might live as a slave within the bounds of the league. Applications of this principle are seen in the enactment embodied in the Twelve

Tables, that the insolvent debtor, in the event of his creditor wishing to sell him, must be sold beyond the boundary of the Tiber, in other words, beyond the territory of the league, and in the clause of the second treaty between Rome and Carthage, that an ally of Rome who might be taken prisoner by the Carthaginians should be free so soon as he entered a Roman seaport. It has already (p. 39) been indicated as probable that the federal equality of rights also included intercommunion of marriage, and that every full burgess of a Latin community could conclude a legitimate marriage with any Latin woman of equal standing. Each Latin could of course only exercise political rights where he was enrolled as a burgess, but on the other hand it was implied in an equality of private rights, that any Latin could take up his abode in any place within the Latin bounds, or, to use the phraseology of the present day, there existed, side by side with the special burgess rights of the individual communities, a general right of settlement co-extensive with the confederacy. It is easy to understand how this should have turned materially to the advantage of the capital, which alone in Latium offered the means of urban intercourse, urban acquisition, and urban enjoyment, and how the number of *metoeci* in Rome should have increased with remarkable rapidity, after the Latin land came to live in perpetual peace with Rome.

In constitution and administration the several communities not only remained independent and sovereign, so far as their federal obligations were not concerned, but, what was of more importance, the league of the thirty communities as such retained its autonomy in contradistinction to Rome. When we are assured that the position of Alba towards the federal communities was a position superior to that of Rome, and that on the fall of Alba these communities attained autonomy, this may well have been the case, in so far as Alba was essentially a member of the league, while Rome from the first had rather the position of a separate state confronting the league than of a member included in it, but, just as the states of the confederation of the Rhine were formally sovereign, while those of the German empire had a master, it is probable that the presidency of Alba was really an honorary right (p. 40) like that of the German emperors, and that the protectorate of Rome was from the first a supremacy like that of Napoleon. In fact Alba appears to have exercised the right of presiding in the federal council, while Rome allowed the Latin deputies to hold their consultations by themselves under the presidency, as it appears,

of an officer selected from their own number, and contented herself with the honorary presidency at the federal festival where sacrifice was offered for Rome and Latium, and with the erection of a second federal sanctuary in Rome—the temple of Diana on the Aventine—so that thenceforth sacrifice was offered both on Roman soil for Rome and Latium, and on Latin soil for Latium and Rome. With equal deference to the interests of the league the Romans in the treaty with Latium bound themselves not to enter into a separate alliance with any Latin community — a stipulation which very clearly reveals the apprehensions not without reason felt by the confederacy with reference to the powerful community at their head. The position of Rome not so much within as alongside of Latium, and the footing of formal equality subsisting between the city on the one side and the confederacy on the other, are most clearly discernible in their military system. The federal army was composed, as the later mode of making the levy incontrovertibly shows, of a Roman and a Latin force of equal strength. The supreme command was to alternate between Rome and Latium; and on those years only when Rome appointed the commander the Latin contingent was to appear before the gates of Rome, and to salute at the gate by acclamation the elected commander as its general, after the Romans commissioned by the Latin federal council to take the auspices had assured themselves of the satisfaction of the gods with the choice that had been made. In like manner the land and other property acquired in the wars of the league were equally divided between Rome and Latium. While thus in all internal relations the most complete equality of rights and duties was insisted on with jealous strictness, the Romano-Latin federation can hardly have been at this period represented in its external relations merely by Rome. The treaty of alliance did not prohibit either Rome or Latium from undertaking an aggressive war on their own behoof; and if a war was waged by the league, whether pursuant to a resolution of its own or in consequence of a hostile attack, the Latin federal council must have had a right to take part in the conduct as well as in the termination of the war. Practically indeed Rome in all probability possessed the hegemony even then, for, wherever a single state and a federation enter into permanent connections with each other, the preponderance usually falls to the former.

The steps by which after the fall of Alba Rome—now mistress of a territory comparatively considerable, and probably the

leading power in the Latin confederacy—extended still further her direct and indirect dominion, can no longer be traced. There was no lack of feuds with the Etruscans and more especially the Veientes, chiefly respecting the possession of Fidenæ, but it does not appear that the Romans were successful in acquiring permanent mastery over that Etruscan outpost, which was situated on the Latin bank of the river not much more than five miles from Rome, or in expelling the Veientes from that formidable basis of offensive operations. On the other hand they maintained apparently undisputed possession of the Janiculum and of both banks of the mouth of the Tiber. As regards the Sabines and Aequi Rome appears in a more advantageous position, the connection which afterwards became so intimate with the more distant Hernici must have had at least its beginning under the monarchy, and the united Latins and Hernici enclosed on two sides and held in check their eastern neighbours. But on the south frontier the territory of the Rutuli and still more that of the Volsci were scenes of perpetual war. The earliest extension of the Latin land took place in this direction, and it is here that we first encounter those communities founded by Rome and Latium on the enemy's soil and constituted as autonomous members of the Latin confederacy—the Latin colonies, as they were called—the oldest of which appear to reach back to the regal period. How far the territory reduced under the power of the Romans extended at the close of the monarchy, can by no means be determined. Of feuds with the neighbouring Latin and Volscian communities the Roman annals of the regal period recount more than enough, but only a few detached notices, such as that perhaps of the capture of Suessa in the Pomptine plain, can be held to contain a nucleus of historical fact. That the regal period laid not only the political foundations of Rome, but the foundations also of her external power, cannot be doubted, the position of the city of Rome as contradistinguished from, rather than forming part of, the league of Latin states is already decidedly marked at the beginning of the republic, and enables us to perceive that an energetic development of external power must have taken place in Rome during the time of the kings. Successes certainly of no ordinary character have thus passed into oblivion, but the splendour of them lingers over the regal period of Rome, especially over the royal house of the Tarquins, like a distant evening twilight in which outlines disappear.

While the Latin stock was thus tending towards union under

the leadership of Rome and was at the same time extending its territory on the east and south, Rome itself, by the favour of fortune and the energy of its citizens, had been converted from a stirring commercial and rural town into the powerful capital of a flourishing country. The remodelling of the Roman military system and the political reform of which it contained the germ, known to us by the name of the Servian constitution, stand in intimate connection with this internal change in the character of the Roman community. But externally also the character of the city cannot but have changed with the influx of ampler resources, with the rising requirements of its position, and with the extension of its political horizon. The amalgamation of the adjoining community on the Quirinal with that on the Palatine must have been already accomplished when the Servian reform, as it is called, took place; and after this reform had united and consolidated the military strength of the community, the burgesses could no longer rest content with entrenching the several hills, as one after another they were filled with buildings, and with also perhaps keeping the island in the Tiber and the height on the opposite bank occupied so that they might command the river. The capital of Latium required another and more complete system of defence; they proceeded to construct the Servian wall. The new continuous city-wall began at the river below the Aventine, and included that hill, on which there have been brought to light recently (1855) at two different places, the one on the western slope towards the river, the other on the opposite eastern slope, colossal remains of those primitive fortifications—portions of wall as high as the walls of Alatri and Ferentino, built of large square hewn blocks of tufo in courses of unequal height—emerging as it were from the tomb to testify to the might of an epoch, whose structures are perpetuated in these walls of rock, and whose other achievements will continue to exercise an influence more lasting even than these. The ring-wall further embraced the Caelian and the whole space of the Esquiline, Viminal, and Quirinal, where a fortification likewise but recently brought to light on a great scale (1862)—on the outside composed of blocks of peperino and protected by a moat in front, on the inside forming a huge earthen rampart sloped towards the city and imposing even at the present day—supplied the want of natural means of defence. From thence it ran to the Capitoline, the steep declivity of which towards the Campus Martius served as part of the city wall, and it again abutted on the river above the island in the Tiber.

The Tiber island with the bridge of piles and the Janiculum did not belong strictly to the city, but the latter height was probably a fortified outwork. Hitherto the Palatine had been the stronghold, but now this hill was left open to be built upon by the growing city, and on the other hand upon the Tarpeian Hill, free on every side, and from its moderate extent easily defensible, there was constructed the new 'stronghold' (*arx, capitolium*<sup>1</sup>) containing the stronghold-spring—the carefully enclosed well-house (*tullianum*)—the treasury (*aerarium*) the prison, and the most ancient place of assembling for the burgesses (*area Capitolina*) where still in after times the regular announcements of the changes of the moon continued to be made. Private dwellings of a permanent character were not permitted in earlier times on the stronghold hill<sup>2</sup> and the space between the two summits of the hill the sanctuary of the evil god (*Vedioris*) or as it was termed in the later Hellenising epoch the Asylum, was covered with wood and probably intended for the reception of the husbandmen and their herds, when inundations or war drove them from the plain. The Capitol was in reality as well as in name the Acropolis of Rome, an independent castle capable of being defended even after the city had fallen its gate was probably placed towards what was afterwards the Forum<sup>3</sup>. The Aventine seems to have been fortified in a similar style, although less strongly, and to have been preserved free from permanent occupation. With this is connected the fact, that for purposes strictly urban such as the distribution of the introduced water, the inhabitants of Rome were divided into the inhabitants of the city proper (*montani*), and those of the districts situated within the general

<sup>1</sup> Both names although afterwards employed as proper names of locality (*capitolium* being applied to the summit of the stronghold hill that lay next to the river *arx* to that next to the Quirinal) were originally appellatives corresponding exactly to the Greek *ἀκρη* and *ἀκροπόλις* every Latin town had its *capitolium* as well as Rome. The proper local name of the Roman stronghold hill was *mons Tarpeius*.

<sup>2</sup> The enactment *ne quis patricius in arce aut capitolio habitaret* probably prohibited only buildings of stone which apparently were often constructed in the style of fortresses not the ordinary and easily removable dwelling houses. Comp. Becker *Top.* p. 386.

<sup>3</sup> I or the chief thoroughfare the *Via Sacra* led from that quarter to the stronghold and the bending in towards the gate may still be clearly recognised in the turn which this makes to the left at the arch of Severus. The gate itself must have disappeared under the huge structures which were raised in after ages on the Clivus. The so-called gate at the steepest part of the Capitoline Mount, which is known by the name of Janualis or Saturnia or the open and which had to stand always open in the time of war evidently had merely a religious significance and never was a real gate.

ring-wall, but yet not reckoned as strictly belonging to the city (*pagani Aventinenses, Janiculenses, collegia Capitolinorum et Mercurialium*).<sup>1</sup> The space enclosed by the new city wall thus embraced, in addition to the former Palatine and Quirinal cities, the two city-strongholds of the Capitol and the Aventine, and also the Janiculum;<sup>2</sup> the Palatine, as the oldest city proper, was enclosed by the other heights along which the wall was carried, as if encircled with a wreath, and the two castles occupied the middle.

The work, however, was not complete so long as the ground, protected by so laborious exertions from outward foes, was not also reclaimed from the dominion of the water, which per-

<sup>1</sup> Four such guilds are mentioned: (1) the *Capitolini* (Cicero, *ad Q. fr.* ii. 5, 2), with *magistri* of their own (Henzen, 6010, 6011), and annual games (Liv. v. 50; comp. *Corp. Inscr. Lat.* i. n. 805); (2) the *Mercuriales* (Liv. ii. 27; Cicero, *l. c.*; Preller, *Myth.* p. 597) with their *magistri* (Henzen, 6010), the guild of the valley of the Circus, where the temple of Mercury stood; (3) the *pagani Aventinenses* also with *magistri* (Henzen, 6010); and (4) the *pagani pagi Janiculensis* likewise with *magistri* (C. I. L. i. n. 801, 802). It is certainly not accidental that these four guilds, the only ones of the sort that occur in Rome, belong to the very two hills excluded from the four local tribes but enclosed by the Servian wall, the Capitol and the Aventine, and the Janiculum belonging to the same fortification; and connected with this is the further fact that the expression *montani pagani* is employed as a designation of the whole inhabitants in connection with the city (comp. besides the well-known passage, Cic. *de Domo*, 28, 74, especially the law as to the city aqueducts in Festus, v. *sifus*, p. 340; [*mon*]tani *paganive si[is] aquam dividunt*)). The *montani*, properly the inhabitants of the three regions of the Palatine town (p. 53), appear to be put here a *priori* for the whole population of the four regions of the city proper. The *pagani* are, undoubtedly, the residents of the Aventine and Janiculum not included in the tribes, and the analogous *collegia* of the Capitol and the Circus valley.

<sup>2</sup> The Servian Rome, however, never looked upon itself as the "city of the seven hills;" on the contrary, that name in the best ages of Rome denoted exclusively the narrower Old Rome of the Palatine (p. 48). It was not until the times of her decline, when the festival of the Septimontium, which was steadily retained and celebrated with great zest even under the empire, began to be erroneously regarded as a festival for the city generally, that ignorant writers sought for and accordingly found the Seven Mounts in the Rome of their own age. The germ of such a misunderstanding may be already discerned in the Greek riddles of Cicero, *ad Att.* vi. 5, 2, and in Plutarch, *Q. Rom.* 69 (comp. Tibullus, ii. 5, 55; Martial, iv. 64, 11; Tertullian, *Apolog.* 35); but the earliest authority that actually enumerates Seven Mounts (*montes*) of Rome is the description of the city of the age of Constantine the Great. It names as such the Palatine, Aventine, Caelian, Esquiline, Tarpeian, Vatican, and Janiculum—where the Quirinal and Viminal are, evidently as *colles*, omitted, and in their stead two "*montes*" are introduced from the right bank of the Tiber. Other still later and quite confused lists are given by Servius (*ad Aen.* vi. 783), the Berne Scholia to Virgil's *Georgics* (ii. 535), and Lydus (*de Mens.* p. 118, Bekker). The enumeration of the Seven Mounts as commonly made in modern times, viz. Palatine, Aventine, Caelian, Esquiline, Viminal, Quirinal, Capitoline, is unknown to any ancient author.

zantly occupied the valley between the Palatine and the Capitol, so that there was a regular ferry there, and which converted the valleys between the Capitol and the Velia and between the Palatine and the Aventine into marshes. The subterranean drains still existing at the present day, composed of magnificent square blocks, which excited the astonishment of posterity as a marvellous work of regal Rome, must rather be reckoned to belong to the following epoch, for travertine is the material employed and we have many accounts of new structures of the kind in the times of the republic, but the scheme itself belongs beyond all doubt to the regal period, although to a later epoch probably than the designing of the Servian wall and the Capitoline stronghold. The spots thus drained or dried supplied large open spaces such as were required to meet the public wants of the newly enlarged city. The assembling place of the community, which had hitherto been the Area Capitolina at the stronghold itself, was now transferred to the flat space, where the ground fell from the stronghold towards the city (*comitium*) and which stretched thence between the Palatine and the Carinae, in the direction of the Velia. At that side of the *comitium* which adjoined the stronghold, and upon the wall which arose above the *comitium* in the fashion of a balcony, the members of the senate and the guests of the city had a place of honour assigned to them on occasion of festivals and assemblies of the people, and not far from this there soon came to be built a special senate house, which derived from its builder the name of the Curia Hostilia. The platform for the judgment seat (*tribunal*), and the stage whence the burgesses were addressed (the later *rostra*), were erected on the *comitium* itself. Its prolongation in the direction of the Velia became the new market (*forum Romanorum*). On the west side of the Forum, beneath the Palatine, rose the community house, which included the official dwelling of the king (*regia*) and the common hearth of the city, the rotunda forming the temple of Vesta, at no great distance, on the south side of the Forum, there was erected a second round building connected with the former, the store-room of the community or temple of the Penates, which still stands at the present day as the porch of the church Santi Cosma e Damiano. It is a feature significant of the new city now united in a way very different from the settlement of the "seven mounts," that, over and above the thirty hearths of the curies which the Palatine Rome had been content with associating in one building, the Servian Rome presented such a

single hearth for the city at large.<sup>1</sup> Along the two longer sides of the Forum butchers' shops and other traders' stalls were arranged. In the valley between the Palatine and Aventine a space was staked off for races; this became the Circus. The cattle-market was laid out immediately adjoining the river, and this soon became one of the most densely peopled quarters of Rome. Temples and sanctuaries arose on all the summits, above all the federal sanctuary of Diana on the Aventine (p. 106), and on the summit of the stronghold the far-seen temple of Father Diovis, who had given to his people all this glory, and who now, when the Romans were triumphing over the surrounding nations, triumphed along with them over the subject gods of the vanquished.

The names of the men, at whose bidding these great buildings of the city arose, are almost as completely lost in oblivion as those of the leaders in the earliest battles and victories of Rome. Tradition indeed assigns the different works to different kings—the senate-house to Tullus Hostilius, the Janiculum and the wooden bridge to Ancus Marcius, the great Cloaca, the Circus, and the temple of Jupiter to the elder Tarquinius, the temple of Diana and the ring-wall to Servius Tullius. Some of these statements may perhaps be correct; and it is apparently not the result of accident that the building of the new ring-wall is associated both as to date and author with the new organisation of the army, which in fact bore special reference to the regular defence of the city walls. But upon the whole we must be content to learn from this tradition—what is indeed evident of itself—that this second creation of Rome stood in intimate connection with the commencement of her hegemony over Latium and with the remodelling of her burgess-army, and that, while it originated in one and the same great conception, its execution was not the work either of a single man or of a single generation. It is impossible to doubt that Hellenic influences exercised a powerful effect on this remodelling of the Roman community, but it is equally impossible to demonstrate the mode or the degree of their operation. It has already been observed that the Servian military constitution is essentially of an

<sup>1</sup> Both the situation of the two temples, and the express testimony of Dionysius, ii. 65, that the temple of Vesta lay outside of the Roma quadrata, prove that these structures were connected with the foundation not of the Palatine, but of the second (Servian) city. Posterity reckoned this *regia* with the temple of Vesta as a scheme of Numa; but the cause which gave rise to that hypothesis is too manifest to allow of our attaching any weight to it.



## CHAPTER VIII

### THE UMBRO-SABELLIAN STOCKS—BEGINNINGS OF THE SAMNITES

THE migration of the Umbrian stocks appears to have begun at a period later than that of the Latins. Like the Latin, it moved in a southerly direction, but it kept more in the centre of the peninsula and towards the east coast. It is painful to speak of it; for our information regarding it comes to us like the sound of bells from a town that has been sunk in the sea. The Umbrian people extended according to Herodotus as far as the Alps, and it is not improbable that in very ancient times they occupied the whole of Northern Italy, to the point where the settlements of the Illyrian stocks began on the east, and those of the Ligurians on the west. As to the latter, there are traditions of their contests with the Umbrians, and we may perhaps draw an inference regarding their extension in very early times towards the south from isolated names, such as that of the island of Ilva (Elba) compared with the Ligurian Ilvates. To this period of Umbrian greatness the evidently Italian names of the most ancient settlements in the valley of the Po, Hatria (black-town), and Spina (thorn-town), probably owe their origin, as well as the numerous traces of Umbrians in Southern Etruria (such as the river Umbro, Camars the old name of Clusium, Castrum Amerinum). Such indications of an Italian population having preceded the Etruscan especially occur in the most southern portion of Etruria, the district between the Ciminian forest (below Viterbo) and the Tiber. In Falerii, the town of Etruria nearest to the frontier of Umbria and the Sabine country, according to the testimony of Strabo, a language was spoken different from the Etruscan, and inscriptions bearing out that statement have recently been brought to light there, the alphabet and language of which, while presenting points of contact with the Etruscan, exhibit a general resemblance to the Latin.<sup>1</sup> The local worship also presents traces of a Sabellian

<sup>1</sup> In the alphabet the *r* especially deserves notice, being of the Latin (R) and not of the Etruscan form (D), and also the *z* (Ξ); it can only be derived from the primitive Latin, and must very faithfully represent it.

character, and a similar inference is suggested by the primitive relations subsisting in sacred as well as other matters between Caere and Rome. It is probable that the Etruscans seized those southern districts from the Umbrians at a period considerably subsequent to their occupation of the country on the north of the Ciminian forest and that an Umbrian population maintained itself there even after the Tuscan conquest. In this fact we may probably discover the ultimate explanation of the surprising rapidity with which the southern portion of Etruria became Latinised, as compared with the tenacious retention of the Etruscan language and manners in Northern Etruria, after the Roman conquest. That the Umbrians were after obstinate struggles driven back from the north and west into the narrow mountainous country between the two arms of the Apennines which they subsequently held, is clearly indicated by the very fact of their geographical position, just as the position of the inhabitants of the Grisons and that of the Basques at the present day indicates the similar fate that has befallen them. Tradition also has to report that the Tuscans deprived the Umbrians of three hundred towns, and, what is of more importance as evidence, in the national prayers of the Umbrian Iguvini, which we still possess, along with other stocks the Tuscans specially are cursed as public foes.

It was probably in consequence of this pressure exerted upon them from the north, that the Umbrians advanced towards the south, keeping in general upon the heights, because they found the plains already occupied by Latin stocks, but beyond doubt frequently making inroads and encroachments on the territory of the kindred race, and intermingling with them the more readily, that the distinction in language and habits could not have been at all so marked then as we find it afterwards. To the class of such inroads belongs the tradition of the entrance of the Reatini and Sabines into Latium and their contests with the Romans, similar phenomena were probably repeated all along the west coast. Upon the whole the Sabines maintained their footing in the mountains, as in the district bordering on Latium which has since been called by their name, and in the

The language likewise has close affinity with the oldest Latin. *Marcus Acarcelinus he cupa* that is *Marcus Acarcelinusus heic cubat*. *Mineria A Cotena La f senatuo sentem dedet quando cunctum* that is *Mineriae A(ulus?) Cotena La(ris) f(ilius) de senatus sententia dedit quando (perhaps=olism) conceptum*. At the same time with these and similar inscriptions there were found some other records in a different character and language undoubtedly Etruscan.

Volscian land; probably because the Latin population did not extend thither or was there less dense, while on the other hand the well-peopled plains were better able to offer resistance to the invaders, although they were not in all cases able or desirous to prevent isolated bands from gaining a footing, such as the Tities and afterwards the Claudii in Rome (p. 44). In this way the stocks here became variously mingled, a state of things which serves to explain the numerous relations that subsisted between the Volscians and Latins, and how it happened that their district, as well as Sabina, afterwards became so speedily Latinised.

The chief branch, however, of the Umbrian stock migrated eastward from Sabina into the mountains of the Abruzzi, and the adjacent hill-country to the south of them. Here, as on the west coast, they occupied the mountainous districts, whose thinly scattered population gave way before the immigrants or submitted to their yoke; while in the plain along the Apulian coast the ancient native population, the Iapygians, upon the whole maintained their ground, although involved in constant feuds, in particular on the northern frontier about Luceria and Arpi. When these migrations took place cannot of course be determined; but it was probably about the period of the regal government in Rome. Tradition reports that the Sabines, pressed by the Umbrians, vowed a *ver sacrum*, that is, swore that they would give up and send beyond their bounds the sons and daughters born in the year of war, so soon as these should reach maturity, that the gods might at their pleasure destroy them or bestow upon them new abodes in other lands. One band was led by the ox of Mars; these were the Safini or Samnites, who in the first instance established themselves on the mountains adjoining the river Sagrus, and at a later period proceeded to occupy the beautiful plain on the east of the Matese chain, near the sources of the Tifernus. Both in their old and in their new territory they named their place of public assembly—which in the one case was situated near Agnone, in the other near Bojano—from the ox which led them Bovianum. A second band was led by the woodpecker of Mars; these were the Picentes, “the woodpecker-people,” who took possession of what is now the March of Ancona. A third band was led by the wolf (*hirpus*) into the region of Beneventum; these were the Hirpini. In a similar manner the other small tribes branched off from the common stock—the Praetuttii near Teramo; the Vestini about the Gran Sasso; the Marrucini near Chieti; the

Frentani on the frontier of Apulia, the Paeligni about the Majella mountains, and lastly the Marsi about lake Lucinus, coming in contact with the Volscians and Latins. All of these tribes retained, as these legends clearly show, a vivid sense of their relationship and of their having come forth from the Sabine land. While the Umbrians succumbed in the unequal struggle and the western offshoots of the same stock became amalgamated with the Latin or Hellenic population, the Sabellian tribes prospered in the seclusion of their distant mountain land, equally remote from collision with the Etruscans, the Latins, and the Greeks. There was little or no development of an urban life amongst them, their geographical position almost wholly precluded them from engaging in commercial intercourse, and the mountain tops and strongholds sufficed for the necessities of defence, while the husbandmen continued to dwell in open hamlets or wherever each found the spring and the forest or pasture that he desired. In such circumstances their constitution remained stationary, like the similarly situated Arcadians in Greece, their communities never became incorporated into a single state, at the utmost they only formed confederacies more or less loosely connected. In the Abruzzi especially, the strict seclusion of the mountain valleys seems to have debarred the several cantons from intercourse either with each other or with the outer world. They maintained but little connection with each other and continued to live in complete isolation from the rest of Italy, and in consequence, notwithstanding the bravery of their inhabitants, they exercised less influence than any other portion of the Italian nation on the development of the history of the peninsula.

On the other hand the Samnite people decidedly exhibited the highest political development among the eastern Italian stock, as the Latin nation did among the western. From an early period, perhaps from its first immigration, a comparatively strong political bond held together the Samnite nation, and gave to it the strength which subsequently enabled it to contend with Rome on equal terms for the supremacy of Italy. We are as ignorant of the time and manner of the formation of the league, as we are of its constitution, but it is clear that in Samnium no single community exercised a preponderating influence, and still less was there any town to serve as a central rallying point and bond of union for the Samnite stock, such as Rome was for the Latins. The strength of the land lay in its *communes* of husbandmen, and authority was vested in the assembly formed of

their representatives; it was this assembly which in case of need nominated a federal commander-in-chief. In consequence of its constitution the policy of this confederacy was not aggressive like the Roman, but was limited to the defence of its own bounds; only in an united state is power so concentrated and passion so strong, that the extension of territory can be systematically pursued. Accordingly the whole history of the two nations is prefigured in their diametrically opposite systems of colonisation. Whatever the Romans gained was a gain to the state: the conquests of the Samnites were achieved by bands of volunteers who went forth in search of plunder and, whether they prospered or were unfortunate, were left to their own resources by their native home. The conquests, however, which the Samnites made on the coasts of the Tyrrhenian and Ionic seas, belong to a later age; during the regal period in Rome they seem to have been only gaining possession of the settlements in which we afterwards find them. As a single incident in the series of movements among the neighbouring peoples caused by the Samnite settlement may be mentioned the surprise of Cumae by Tyrrhenians from the Upper Sea, Umbrians, and Daunians in the year of the city  $\frac{233}{24}^0$ . If we may give credit to the accounts of the matter which present certainly a considerable colouring of romance, it would appear that in this instance, as was often the case in such expeditions, the intruders and those whom they supplanted combined to form one army, the Etruscans joining with their Umbrian enemies, and these again joined by the Iapygians whom the Umbrian settlers had driven towards the south. Nevertheless the undertaking proved a failure: on this occasion at least the superiority of the Greeks in the art of war, and the bravery of the tyrant Aristodemus, succeeded in repelling the barbarian assault on the beautiful seaport.

## CHAPTER IX

### THE ETRUSCANS

THE Etruscan people, or Ras,<sup>1</sup> as they called themselves, present a striking contrast to the Latin and Sabellian Italians as well as to the Greeks. They were distinguished from these nations by their very bodily structure: instead of the slender and symmetrical proportions of the Greeks and Italians, the sculptures of the Etruscans exhibit only short sturdy figures with large heads and thick arms. Their manners and customs also, so far as we are acquainted with them, point to the conclusion that this nation was originally quite distinct from the Graeco-Italian stocks. The religion of the Tuscans in particular, presenting a gloomy fantastic character and delighting in the mystical handling of numbers and in wild and horrible speculations and practices, is equally remote from the clear rationalism of the Romans and the genial image-worship of the Hellenes. The conclusion which these facts suggest is confirmed by the most important and authoritative evidence of nationality, the evidence of language. The remains of the Etruscan tongue which have reached us, numerous as they are and presenting so many data to aid in deciphering it, occupy a position of isolation so complete, that not only has no one hitherto succeeded in its interpretation, but no one has been able even to determine precisely its proper place in the classification of languages. Two periods in the development of the language may be clearly distinguished. In the older period the vocalisation of the language was completely carried out, and the collision of two consonants was almost without exception avoided.<sup>2</sup> By throwing off the vocal and consonantal terminations, and by the weakening or rejection of the vowels, this soft and melodious language was gradually changed in character, and became intolerably harsh and rugged.<sup>3</sup> They changed for example

<sup>1</sup> *Ras-ennae*, with the gentile termination mentioned at p. 120

<sup>2</sup> To this period belong e.g. inscriptions on the clay vases of Caere, such as, *minicevumamimabumaramlisiaipurenaisceerassieepanaminevunastavhelesu*, or *mi ramubaf karufinasa*

<sup>3</sup> We may form some idea of the sound which the language now had from the commencement of the great inscription of Perugia; *eulal tanna larezul amevaxr lautn velvtnase sllaafunas sleledearu*

*ramuθaf* into *ramθa*, Tarquinius into *Tarchnaf*, Minerva into *Menrva*, Menelaos, Polydeukes, Alexandros, into *Menle*, *Pultuke*, *Elchsentre*. The indistinct and rugged nature of their pronunciation is shown most clearly by the fact that at a very early period the Etruscans ceased to distinguish *o* from *u*, *b* from *p*, *c* from *g*, *d* from *t*. At the same time the accent was, as in Latin and in the more rugged Greek dialects, uniformly thrown back upon the initial syllable. The aspirate consonants were treated in a similar fashion; while the Italians rejected them with the exception of the aspirated *b* or the *f*, and the Greeks, reversing the case, rejected this sound and retained the others *θ*, *φ*, *χ*, the Etruscans allowed the softest and most pleasing of them, the *φ*, to drop entirely except in words borrowed from other languages, but made use of the other three to an extraordinary extent, even where they had no proper place; Thetis for example became *Thethis*, Telephus *Thelaphe*, Odysseus *Utuze* or *Uthuze*. Of the few terminations and words, whose meaning has been ascertained, the greater part have not the most distant analogy to the Graeco-Italian languages; such as the termination *al* employed as a designation of descent, frequently of descent from the mother, e.g. *Canial*, which on a bilingual inscription of Chiusi is translated by *Cainia natus*; and the termination *sa* in the names of women, used to indicate the clan into which they have married, e.g. *Lecnesa* denoting the spouse of a *Licinius*. *Cela* or *clan* with the inflection *clensi* means son; *sex* daughter; *ril* year; the god Hermes becomes *Turms*, Aphrodite *Turan*, Hephaestos *Sethlans*, Bakchos *Fufluns*. Alongside of these strange forms and sounds there certainly occur isolated analogies between the Etruscan and the Italian languages. Proper names are formed, substantially, after the general Italian system. The frequent gentile termination *enas* or *ena*<sup>1</sup> recurs in the termination *enus* which is likewise of frequent occurrence in Italian, especially in Sabellian clan-names; thus the Etruscan names *Vivenna* and *Spurinna* correspond closely to the Roman *Vibius* or *Vibienus* and *Spurius*. A number of names of divinities, which occur as Etruscan on Etruscan monuments or in authors, have in their roots, and to some extent even in their terminations, a form so thoroughly Latin, that, if these names were really originally Etruscan, the

<sup>1</sup> Such as Maecenas, Porsena, Vivenna, Caecina, Spurinna. The vowel in the penult is originally long, but in consequence of the throwing back of the accent upon the initial syllable is frequently shortened and even rejected. Thus we find Porsēna as well as Porsēna, and Ceicne as well as Caecina.



It is equally difficult to determine from what quarter the Etruscans migrated into Italy; nor is much lost through our inability to answer the question, for this migration belonged at any rate to the infancy of the people, and their historical development began and ended in Italy. No question, however, has been handled with greater zeal than this, in accordance with the principle which induces antiquaries especially to inquire into what is neither capable of being known nor worth the knowing—to inquire “who was Hecuba’s mother,” as the emperor Tiberius is said to have done. As the oldest and most important Etruscan towns lay far inland—in fact we find not a single Etruscan town of any note immediately on the coast except Populonia, which we know for certain was not one of the old twelve cities—and the movement of the Etruscans in historical times was from north to south, it seems probable that they migrated into the peninsula by land. Indeed the low stage of civilisation in which we find them at first would ill accord with the hypothesis of their having migrated by sea. Nations even in the earliest times crossed a strait as they would a stream; but to land on the west coast of Italy was a very different matter. We must therefore seek for the earlier home of the Etruscans to the west or north of Italy. It is not wholly improbable that the Etruscans may have come into Italy over the Raetian Alps; for the oldest traceable settlers in the Grisons and Tyrol, the Raeti, spoke Etruscan down to historical times, and their name sounds similar to that of the Ras. These may no doubt have been a remnant of the Etruscan settlements on the Po; but it is at least quite as likely that they may have been a portion of the nation which remained behind in its earlier abode.

In glaring contradiction to this simple and natural view stands the story that the Etruscans were Lydians who had emigrated from Asia. It is very ancient: it occurs even in Herodotus; and it reappears in later writers with innumerable changes and additions, although several intelligent inquirers, such as Dionysius, emphatically declared their disbelief in it, and pointed to the fact that there was not the slightest apparent similarity between the Lydians and Etruscans in religion, laws, manners, or language. It is possible that an isolated band of pirates from Asia Minor may have reached Etruria, and that their adventure may have given rise to such tales; but more probably the whole story rests on a mere verbal mistake. The Italian Etruscans or the *Turs-ennae* (for this appears to be the original form and the basis of the Greek *Τυρσ-ηνοί*, *Τυρρῆνοί*,

of the Umbrian *Tursci*, and of the two Roman forms *Tusci*, *Etrusci*), nearly coincide in name with the Lydian people, the *Τορρήβοι* or perhaps also *Τυρρὸι ἥνιοι*, so named from the town *Τυρρῶα*. This manifestly accidental resemblance in name seems to be in reality the only foundation for that hypothesis—not rendered more reliable by its great antiquity—and for all the pile of crude historical speculation that has been reared upon it. By connecting the ancient maritime commerce of the Etruscans with the piracy of the Lydians, and then by confounding (Thucydides is the first who has demonstrably done so) the Torrhebian pirates, whether rightly or wrongly, with the buccaneering Pelasgians who roamed and plundered on every sea, there has been produced one of the most unhappy complications of historical tradition. The term Tyrrhenians denotes sometimes the Lydian Torrhebi—as is the case in the earliest sources, such as the Homeric hymns, sometimes under the form Tyrrheno Pelasgians or simply that of Tyrrhenians, the Pelasgian nation, sometimes, in fine, the Italian Etruscans, although the latter never came into lasting contact with the Pelasgians or Torrhebians, nor were at all connected with them by common descent.

It is, on the other hand, a matter of historical interest to determine what were the oldest traceable abodes of the Etruscans, and what were their further movements when they left these. Various circumstances attest that before the great Celtic invasion they dwelt in the district to the north of the Po, being conterminous on the east along the Adige with the Veneti of Illyrian (Albanian?) descent, on the west with the Ligurians. This is proved in particular by the already mentioned rugged Etruscan dialect which was still spoken in the time of Livy by the inhabitants of the Raetian Alps, and by the fact that Mantua remained Tuscan down to a late period. To the south of the Po and at the mouths of that river Etruscans and Umbrians were mingled, the former as the dominant, the latter as the older race, which had founded the old commercial towns of Hatria and Spina, while the Tuscans appear to have been the founders of Felsina (Bologna) and Ravenna. A long time elapsed ere the Celts crossed the Po, hence the Etruscans and Umbrians left deeper traces of their existence on the right bank of the river than they had done on the left, which they had to abandon at an early period. All the districts, however, to the north of the Apennines passed too rapidly out of the hands of one nation into

those of another to permit the formation of any continuous national development there.

Far more important in an historical point of view was the great settlement of the Tuscans in the land which still bears their name. Although Ligurians or Umbrians were probably at one time (p. 114) settled there, the traces of their occupation have been almost wholly effaced by the civilisation of their Etruscan successors. In this region, which extends along the coast from Pisae to Tarquinii and is shut in on the east by the Apennines, the Etruscan nationality found its permanent abode and maintained itself with great tenacity down to the time of the empire. The northern boundary of the proper Tuscan territory was formed by the Arnus; the region north from the Arnus as far as the mouth of the Macra and the Apennines was a debateable border land in the possession sometimes of Ligurians, sometimes of Etruscans, and for this reason larger settlements were not successful there. The southern boundary was probably formed at first by the Ciminian Forest, a chain of hills south of Viterbo, and at a later period by the Tiber. We have already (p. 115) noticed the fact that the territory between the Ciminian range and the Tiber with the towns of Sutrium, Nepete, Falerii, Veii, and Caere appears to have been taken possession of by the Etruscans at a period considerably later than the more northern district, possibly not earlier than in the second century of Rome, and that the original Italian population must have maintained its ground in this region, especially in Falerii, although in a relation of dependence.

From the time at which the river Tiber became the line of demarcation between Etruria on the one side and Umbria and Latium on the other, peaceful relations probably upon the whole prevailed in that quarter, and no essential change seems to have taken place in the boundary line, at least so far as concerned the Latin frontier. Vividly as the Romans were impressed by the feeling that the Etruscan was a foreigner, while the Latin was their countryman, they yet seem to have stood in much less fear of attack or of danger from the right bank of the river than, for example, from their kinsmen in Gabii and Alba; and this was natural, for they were protected in that direction not merely by the broad stream which formed a natural boundary, but also by the circumstance, so momentous in its bearing on the mercantile and political development of Rome, that none of the more powerful Etruscan towns lay immediately

on the river, as did Rome on the Latin bank. The Veientes were the nearest to the Tiber, and it was with them that Rome and Latium came most frequently into serious conflict, especially for the possession of Fidenæ, which served the Veientes as a sort of *tele du pont* on the left bank just as the Janiculum served the Romans on the right, and which was sometimes in the hands of the Latins, sometimes in those of the Etruscans. The relations of Rome with the somewhat more distant Caere were on the whole far more peaceful and friendly than those which we usually find subsisting between neighbours in early times. There are doubtless vague legends, reaching back to times of distant antiquity, about contests between Latium and Caere, Mezentius the king of Caere, for instance, is asserted to have obtained great victories over the Latins, and to have imposed upon them a wine tax, but evidence much more definite than that which attests a former state of feud is supplied by tradition as to an especially close connection between the two ancient centres of commercial and maritime intercourse in Latium and Etruria. Reliable traces of any advance of the Etruscans beyond the Tiber, by land, are altogether wanting. It is true that Etruscans are named in the first ranks of the great barbarian host, which Aristodemus annihilated in  $\frac{230}{824}$  under the walls of Cumæ (p. 118), but, even if we regard this account as deserving credit in all its details, it only shows that the Etruscans had taken part in a great plundering expedition. It is far more important to observe that south of the Tiber no Etruscan settlement can be pointed out as having owed its origin to founders who came by land, and that no indication whatever is discernible of any serious pressure by the Etruscans upon the Latin nation. The possession of the Janiculum and of both banks of the mouth of the Tiber remained, so far as we can see, undisputed in the hands of the Romans. As to the migrations of bodies of Etruscans to Rome, we find an isolated statement drawn from Tuscan annals, that a Tuscan band, led by Caelius Vivenna of Volsinii and after his death by his faithful companion Mastarna, was conducted by the latter to Rome and settled there on the Caelian Mount. We may hold the account to be trustworthy, although the addition that this Mastarna became king in Rome under the name of Servius Tullius is certainly nothing but an improbable conjecture of the archaeologists who busied themselves with legendary parallels. The name of the "Tuscan quarter" at the foot of the Palatine (p. 50) points to a similar settlement.

It can hardly, moreover, be doubted that the last regal family which ruled over Rome, that of the Tarquins, was of Etruscan origin, whether it belonged to Tarquinii, as the legend asserts, or to Caere, where the family tomb of the Tarchnas has recently been discovered. The female name Tanaquil or Tanchvil interwoven with the legend, while it is not Latin, is common in Etruria. But the traditional story—according to which Tarquin was the son of a Greek who had migrated from Corinth to Tarquinii, and came to settle in Rome as a *metoikos*—is neither history nor legend, and the historical chain of events is manifestly in this instance not entangled merely, but completely torn asunder. If anything at all can be deduced from this tradition beyond the bare and really unimportant fact that at last a family of Tuscan descent swayed the regal sceptre in Rome, it can only be held as implying that this dominion of a man of Tuscan origin ought not to be viewed either as a dominion of the Tuscans or of any one Tuscan community over Rome, or conversely as the dominion of Rome over southern Etruria. There is, in fact, no sufficient ground either for the one hypothesis or for the other. The history of the Tarquins has its theatre in Latium, not in Etruria; and Etruria, so far as we can see, during the whole regal period exercised no influence of any essential moment on either the language or customs of Rome, and did not at all interrupt the regular development of the Roman state or of the Latin league.

The cause of this comparatively passive attitude of Etruria towards the neighbouring land of Latium is probably to be sought partly in the struggles of the Etruscans with the Celts on the Po, which it is probable that the Celts did not cross until after the expulsion of the kings from Rome, and partly in the tendency of the Etruscan people towards seafaring and the acquisition of a supremacy on the sea and seaboard—a tendency decidedly exhibited in their settlements in Campania, and of which we shall speak more fully in the next chapter.

The Tuscan constitution, like the Greek and Latin, was based on the gradual transition of the community to an urban life. The early direction of the national energies towards navigation, trade, and manufactures appears to have called into existence urban commonwealths, in the strict sense of the term, earlier in Etruria than elsewhere in Italy. Caere is the first of all the Italian towns that is mentioned in Greek records. On the other hand we find that the Etruscans had on the whole less of the ability and the disposition for war than the Romans

and Sabellians the un-Italian custom of employing mercenaries to fight for them occurs among the Etruscans at a very early period. The oldest constitution of the communities must in its general outlines have resembled that of Rome. Kings or Lucumones ruled, possessing similar insignia and probably therefore a similar plenitude of power with the Roman kings. A strict line of demarcation separated the nobles from the common people. The resemblance in the clan-organisation is attested by the analogy of the systems of names, only, among the Etruscans, descent on the mother's side received much more consideration than in Roman law. The constitution of their league appears to have been very lax. It did not embrace the whole nation, the northern and the Campanian Etruscans were associated in confederacies of their own just in the same way as the communities of Etruria proper. Each of these leagues consisted of twelve communities, which recognised a metropolis, especially for purposes of worship, and a federal head or rather a high priest, but appear to have been substantially equal in respect of rights, while some of them at least were so powerful that neither could a hegemony establish itself, nor could the central authority attain consolidation. In Etruria proper Volsinii was the metropolis, of the rest of its twelve towns we know by trustworthy tradition only Perugia, Vetulonium, Volci, and Tarquinii. It was, however, quite as unusual for the Etruscans really to act in concert, as it was for the Latin confederacy to do otherwise. Wars were ordinarily carried on by a single community, which endeavoured to interest in its cause such of its neighbours as it could, and when an exceptional case occurred in which war was resolved on by the league, individual towns very frequently kept aloof from it. The Etruscan confederations appear to have been from the first—still more than the other Italian leagues formed on a similar basis of national affinity—deficient in a firm and paramount central authority.

## CHAPTER X

### THE HELLENES IN ITALY—MARITIME SUPREMACY OF THE TUSCANS AND CARTHAGINIANS

IN the history of the nations of antiquity a gradual dawn ushered in the day; and in their case too the dawn was in the east. While the Italian peninsula still lay enveloped in the dim twilight of morning, the regions of the eastern basin of the Mediterranean had already emerged into the full light of a varied and richly developed civilisation. It falls to the lot of most nations in the early stages of their development to be taught and trained by some rival sister-nation; and such was destined to be in an eminent degree the lot of the peoples of Italy. The circumstances of its geographical position, however, prevented this influence from being brought to bear upon the peninsula by land. No trace is to be found of any resort in early times to the difficult route by land between Italy and Greece. There were in all probability from time immemorial tracks for purposes of traffic, leading from Italy to the lands beyond the Alps; the oldest route of the amber trade from the Baltic joined the Mediterranean at the mouth of the Po—on which account the delta of the Po appears in Greek legend as the native country of amber—and this route was joined by another leading across the peninsula over the Apennines to Pisae; but from these regions no elements of civilisation could come to the Italians. It was the seafaring nations of the east that brought to Italy whatever foreign culture reached it in early times.

The oldest civilised nation on the shores of the Mediterranean, the Egyptians, were not a seafaring people, and therefore they exercised no influence on Italy. But the same may be with almost equal truth affirmed of the Phoenicians. It is true that, issuing from their narrow home on the extreme eastern verge of the Mediterranean, they were the first of all known races to venture forth in floating houses on the bosom of the deep, at first for the purpose of fishing and dredging, but soon also for the prosecution of trade. They were the first to open up maritime commerce; and at an incredibly early period they traversed

the Mediterranean even to its furthest extremity in the west Maritime stations of the Phoenicians appear on almost all its coasts earlier than those of the Hellenes in Hellas itself, in Crete and Cyprus, in Egypt, Libya, and Spain, and likewise on the western Italian main. Thucydides tells us that all around Sicily, before the Greeks came thither or at least before they had established themselves there in any considerable numbers, the Phoenicians had set up their factories on the headlands and islets, not with a view to territorial aggrandisement, but for the sake of trading with the natives. But it was otherwise in the case of continental Italy. No reliable indication has hitherto been given of the existence of any Phoenician settlement there excepting one, a Punic factory at Caere, the memory of which has been preserved partly by the appellation *Punicum* given to a little village on the Caerite coast, partly by the other name of the town of Caere itself, *Agylla*, which is not, as idle fiction asserts, of Pelasgic origin, but is a Phoenician word signifying the "round town"—precisely the appearance which Caere presents when seen from the sea. That this station and any similar establishments which may have elsewhere existed on the coasts of Italy were neither of much importance nor of long standing, is evident from their having disappeared almost without leaving a trace. We have not the smallest reason to think them older than the Hellenic settlements of a similar kind on the same coasts. An evidence of no slight weight that Latium at least first became acquainted with the men of Canaan through the medium of the Hellenes is furnished by the Latin name "*Poeni*," which is borrowed from the Greek. All the oldest relations, indeed, of the Italians to the civilisation of the east point decidedly towards Greece, and the rise of the Phoenician factory at Caere may be very well explained, without resorting to the pre-Hellenic period, by the subsequent well-known relations between the commercial state of Caere and Carthage. In fact, when we recall the circumstance that the earliest navigation was and continued to be essentially of a coasting character, it is plain that scarcely any country on the Mediterranean lay so remote from the Phoenicians as the Italian mainland. They could only reach it from the west coast of Greece or from Sicily, and it is very probable that the seamanship of the Hellenes became developed early enough to anticipate the Phoenicians in braving the dangers of the Adriatic and of the Tyrrhene seas. There is no ground therefore for the assumption that any direct influence was originally exercised

by the Phoenicians over the Italians. To the subsequent relations between the Phoenicians holding the supremacy of the western Mediterranean and the Italians inhabiting the shores of the Tyrrhene sea our narrative will return in the sequel.

To all appearance the Hellenic mariners were the first among the inhabitants of the eastern basin of the Mediterranean to navigate the coasts of Italy. Of the important questions however as to the region from which, and as to the period at which, the Greek seafarers came thither, only the former admits of being answered with some degree of precision and fulness. The Acolian and Ionian coast of Asia Minor was the region where Hellenic maritime traffic first became developed on a large scale, and whence issued the Greeks who explored the interior of the Black Sea on the one hand and the coasts of Italy on the other. The name of the Ionian Sea, which was retained by the waters *intervening between Epirus and Sicily, and that of the Ionian gulf*, the term by which the Greeks in earlier times designated the Adriatic Sea, are memorials of the fact that the southern and eastern coasts of Italy were once discovered by seafarers from Ionia. The oldest Greek settlement in Italy, Kyme, was, as its name and legend tell, founded by the town of the same name on the Anatolian coast. According to trustworthy Hellenic tradition, the Phocaeans of Asia Minor were the first of the Hellenes to traverse the more remote western sea. Other Greeks soon followed in the paths which those of Asia Minor had opened up; Ionians from Naxos and from Chalcis in Euboea, Achaeans, Locrians, Rhodians, Corinthians, Megarians, Messenians, Spartans. After the discovery of America the civilised nations of Europe vied with one another in sending out expeditions and forming settlements there; and the new settlers when located amidst barbarians recognised their common character and common interests as civilised Europeans more strongly than they had done in their former home. So it was with the new discovery of the Greeks. The privilege of navigating the western waters and settling on the western land was not the exclusive property of a single Greek province or of a single Greek stock, but a common good for the whole Hellenic nation; and, just as in the formation of the new North American world, English and French, Dutch and German settlements became mingled and blended, Greek Sicily and "Great Greece" became peopled by a mixture of all sorts of Hellenic races often so amalgamated as to be no longer distinguishable. Leaving out of account some settlements occupying a more isolated position

—such as that of the Locrians with its offsets Hipponium and Medama, and the settlement of the Phocaeans which was not founded till towards the close of this period, Hyele (Velia, Elea)—we may distinguish in a general view three leading groups. The original Ionian group, comprehended under the name of the Chalcidian towns, included in Italy Cumae with the other Greek settlements at Vesuvius and Rhegium, and in Sicily Zankle (afterwards Messina), Naxos, Catana, Leontini, and Humera. The Achaean group embraced Sybaris and the greater part of the cities of Magna Graecia. The Dorian group comprehended Syracuse, Gela, Agrigentum, and the majority of the Sicilian colonies, while in Italy nothing belonged to it but Taras (Tarentum) and its offset Heraclea. On the whole the preponderance lay with the immigrants who belonged to the more ancient Hellenic influx, that of the Ionians and the stocks settled in the Peloponnesus before the Doric immigration. Among the Dorians only communities with a mixed population, such as Corinth and Megara, took any leading part, the purely Doric provinces had but a subordinate share in the movement. This result was naturally to be expected, for the Ionians were from ancient times a trading and seafaring people, while it was only at a comparatively late period that the Doric stocks descended from their inland mountains to the seaboard, and they always kept aloof from maritime commerce. The different groups of immigrants are very clearly distinguishable, especially by their monetary standards. The Phocaean settlers coined according to the Babylonian standard which prevailed in Asia. The Chalcidian towns followed in the earliest times the Aeginetan, in other words, that which originally prevailed throughout all European Greece, and more especially the modification of it which is found occurring in Euboea. The Achaean communities coined by the Corinthian standard, and lastly the Doric colonies followed that which Solon introduced in Attica in the year 554, with the exception of Tarentum and Heraclea which in their principal pieces adopted rather the standard of their Achaean neighbours than that of the Dorians in Sicily.

The dates of the earlier voyages and settlements will probably always remain enveloped in darkness. We may still, however, distinctly recognise a certain order of sequence. In the oldest Greek document, which belongs, like the earliest intercourse with the west, to the Ionians of Asia Minor—the Homeric poems—the horizon scarcely extends beyond the eastern basin of the Mediterranean. Sailors driven by storms into the western sea

might have brought to Asia Minor accounts of the existence of a western land and possibly also of its whirlpools and island-mountains vomiting fire: but in the age of the Homeric poetry there was an utter want of reliable information respecting Sicily and Italy, even in that Greek land which was the earliest to enter into intercourse with the west; and the story-tellers and poets of the east could without fear of contradiction fill the vacant realms of the west, as those of the west in their turn filled the fabulous east, with their castles in the air. In the poems of Hesiod the outlines of Italy and Sicily appear better defined; there is some acquaintance with the native names of tribes, mountains, and cities in both countries; but Italy is still regarded as a group of islands. On the other hand in all the literature subsequent to Hesiod Sicily and even the whole coast of Italy appear as known, at least in a general sense, to the Hellenes. The order of succession of the Greek settlements may in like manner be ascertained with some degree of precision. Thucydides evidently regarded Cumae as the earliest settlement of note in the west; and certainly he was not mistaken. It is true that many a landing-place lay nearer at hand for the Greek mariner, but none were so well protected from storms and from barbarians as the island of Ischia, upon which the town was originally situated; and that such were the prevailing considerations that led to this settlement, is evident from the very position which was subsequently selected for it on the main land—the steep but well-protected cliff which still bears to the present day the venerable name of the Anatolian mother-city. Nowhere in Italy, accordingly, were the scenes of the legends of Asia Minor so vividly and tenaciously localised as in the district of Cumae, where the earliest voyagers to the west, full of those legends of western wonders, first stepped upon the fabled land and left the traces of that world of story which they believed that they were treading in the rocks of the Sirens and the lake of Avernus leading to the lower world. On the supposition, moreover, that it was in Cumae that the Greeks first became the neighbours of the Italians, it is easy to explain why the name of that Italian stock which was settled immediately around Cumae, the name of Opicans, came to be employed by them for centuries afterwards to designate the Italians collectively. There is a further credible tradition, that a considerable interval elapsed between the settlement at Cumae and the main Hellenic immigration into Lower Italy and Sicily, and that in this immigration Ionians from Chalcis and from Naxos took the lead. Naxos in Sicily is said

to have been the oldest of all the Greek towns founded by strict colonisation in Italy or Sicily, the Achæan and Dorian colonisations followed, but not until a later period

It appears, however, to be quite impossible to fix the dates of this series of events with even approximate accuracy. The founding of the Achæan city of Sybaris in  $\gamma_2^1$ , and that of the Dorian city Tarentum in  $\gamma_2^1$ , may be taken as a basis in such an enquiry—the most ancient dates in Italian history, the correctness or at least approximation to correctness of which may be looked upon as established. But how far beyond that epoch the earlier Ionian colonies reached back, is quite as uncertain as is the age which gave birth to the poems of Hesiod or even of Homer. If Herodotus is correct in the period which he assigns to Homer, the Greeks were still unacquainted with Italy a century before the foundation of Rome. The date thus assigned, however, like all other statements respecting the Homeric age, is matter not of testimony, but of inference, and any one who carefully weighs the history of the Italian alphabets as well as the remarkable fact that the Italians had become acquainted with the Greek nation before the newer name "Hellenes" had supplanted the older national designation "Graeci,"<sup>1</sup> will be inclined to refer the earliest intercourse of the Italians with the Greeks to an age considerably more remote.

The history of the Italian and Sicilian Greeks forms no part of the history of Italy, the Hellenic colonists of the west always retained the closest connection with their original home and participated in the national festivals and privileges of Hellenes. But it is of importance even as bearing on Italy, that we should indicate the diversities of character that prevailed in the Greek

<sup>1</sup> The name Graeci is, like that of Hellenes, associated with the primitive seat of Greek civilisation, the interior of Epirus and the region of Dodona. In the *Æoal* of Hesiod it still appears a collective name for the nation, although it is manifest that it is intentionally thrown into the shade and rendered subordinate to that of Hellenes. The latter does not occur in Homer, but in addition to Hesiod it is found in Archilochus about the year 500 B.C., and it may very well have come into use considerably earlier (Duncker, *Gesch. d. Alt.* iii. 18, 556). Before this period, therefore, the Italians had already attained so extensive an acquaintance with the Greeks, that they knew not only how to name the individual tribe, but how to designate the nation by a collective term. It is difficult to see how we can reconcile with this fact the statement that a century before the foundation of Rome Italy was still quite unknown to the Greeks of Asia Minor. We shall speak of the alphabet below, its history yields entirely similar results. It may perhaps be characterised as a rash step to reject the statement of Herodotus respecting the age of Homer on the strength of such considerations, but is there no rashness in following implicitly the guidance of tradition in questions of this kind?

settlements there, and at least exhibit some of the leading features which enabled the Greek colonisation to exercise so varied an influence on Italy.

Of all the Greek settlements, that which retained most thoroughly its distinctive character and was least affected by influences from without was the settlement which gave birth to the league of the Achæan cities, composed of the towns of Siris, Pandosia, Metabus or Metapontum, Sybaris with its offshoots Posidonia and Laus, Croton, Caulonia, Temesa, Terina, and Pyxus. These colonists, taken as a whole, belonged to a Greek stock which steadfastly adhered to its own peculiar dialect (distinguished from the Doric, with which in other respects it had most affinity, *e.g.* by the want of the *h*) and retained no less steadfastly the old national Hellenic mode of writing, instead of adopting the more recent alphabet which had elsewhere come into general use; and which preserved its own nationality as distinguished from the barbarians and from other Greeks by the firm bond of a federal constitution. The language of Polybius regarding the Achæan symmarchy in the Peloponnesus may be applied also to these Italian Achæans; "not only did they live in federal and friendly communion, but they made use of the same laws, and the same weights, measures, and coins, as well as of the same magistrates, councillors, and judges."

This league of the Achæan cities was strictly a colonisation. The cities had no harbours—Croton alone had a paltry roadstead—and they had no commerce of their own; the Sybarite prided himself on growing grey between the bridges of his lagoon-city, and Milesians and Etruscans bought and sold for him. These Achæan Greeks, however, were not in possession merely of a narrow belt along the coast, but ruled from sea to sea in the "land of wine" and "of oxen" (Οἰνωτρία, Ἰταλία) or the "great Hellas;" the native agricultural population was compelled to farm their lands and to pay to them tribute in the character of clients or even of serfs. Sybaris—in its time the largest city in Italy—exercised dominion over four barbarian tribes and five-and-twenty townships, and was able to found Laus and Posidonia on the other sea. The surprisingly fertile low grounds of the Crathis and Bradanus yielded a superabundant produce to the Sybarites and Metapontines—it was there perhaps that grain was first cultivated for exportation. The height of prosperity which these states in a very short time attained is strikingly attested by the only surviving works of art of these Italian Achæans, their coins of chaste antiquely beauti-

ful workmanship—the earliest monuments of art and writing in Italy which we possess, as it can be shown that they had already begun to be coined in  $\frac{1}{16}$   $\frac{1}{8}$   $\frac{1}{4}$ . These coins show that the Achæans of the west did not simply participate in the noble development of plastic art that was at this very time taking place in the motherland, but were even superior in technical skill. For, while the silver pieces which were in use about that time in Greece proper and among the Dorians in Italy were thick, often stamped only on one side, and in general without inscription, the Italian Achæans with great and independent skill struck from two similar dies partly cut in relief, partly sunk, large thin silver coins always furnished with inscriptions and displaying the advanced organisation of a civilised state in the mode of impression, by which they were carefully protected from the process of counterfeiting usual in that age—the plating of inferior metal with thin silver foil.

Nevertheless this rapid bloom bore no fruit. Even Greece speedily lost all elasticity of body and of mind in a life of indolence, in which their energies were never tried either by vigorous resistance on the part of the natives or by hard labour of their own. None of the brilliant names in Greek art or literature shed glory on the Italian Achæans, while Sicily could claim ever so many of them, and even in Italy the Chalcidian Rhegium could produce its Ibycus and the Doric Tarentum its Archytas. With this people, among whom the spit was for ever turning on the hearth, nothing flourished from the outset but boxing. The rigid aristocracy which early gained the helm in the several communities, and which found in case of need a sure reserve of support in the federal power, prevented the rise of tyrants. The only danger to be apprehended was that the government of the best might be converted into a government of the few, especially if the privileged families in the different communities should combine to assist each other in carrying out their designs. Such was the predominant aim in the combination of mutually pledged "friends" which bore the name of Pythagoras. It enjoined the principle that the ruling class should be "honoured like gods," and that the subject class should be "held in subservience like beasts," and by such theory and practice provoked a formidable reaction, which terminated in the annihilation of the Pythagorean "friends" and the renewal of the ancient federal constitution. But frantic party feuds, insurrections *en masse* of the slaves, social abuses of all sorts, attempts to carry out in practice an impracticable state philosophy, in short, all

the evils of demoralised civilisation raged incessantly in the Achæan communities, till under the accumulated pressure their political power utterly broke down.

It is no matter of wonder therefore that the Achæans settled in Italy exercised less influence on its civilisation than the other Greek settlements. An agricultural people, they had less occasion than those engaged in commerce to extend their influence beyond their political bounds. Within their own dominions they enslaved the native population and crushed the germs of their national development as Italians, while they refused to open up to them by means of complete Hellenisation a new career. In this way the Greek characteristics, which were able elsewhere to retain a vigorous vitality notwithstanding all political misfortunes, disappeared more rapidly, more completely, and more ingloriously in Sybaris and Metapontum, in Croton and Posidonia, than in any other region; and the bilingual mongrel people, which arose in subsequent times out of the remains of the native Italians and Achæans and the more recent immigrants of Sabellian descent, never attained any real prosperity. This catastrophe, however, belongs in point of time to the succeeding period.

The settlements of the other Greeks were of a different character, and exercised a very different effect upon Italy. They by no means despised agriculture and the acquisition of territory; it was not the wont of the Hellenes, at least when they had reached their full vigour, to rest content after the manner of the Phœnicians with a fortified factory in the midst of a barbarian land. But all their cities were founded primarily and especially for the sake of trade, and accordingly, altogether differing from those of the Achæans, they were uniformly established beside the best harbours and lading-places. These cities were very various in their origin and in the occasion and period of their respective foundations; but there subsisted among them certain points of common agreement or at least of contradistinction from the league of the Achæan cities—such as the common use by all of them of certain modern forms of the alphabet,<sup>1</sup> and the very Dorism of their language, which pervaded at an early

<sup>1</sup> Thus the three old Oriental forms of the  $\epsilon$  ( $\leq$ ),  $\iota$  ( $\wedge$ ) and  $\tau$  ( $\rho$ ) for which as apt to be confounded with the forms of the  $s$ ,  $g$ , and  $p$  the signs  $\text{I}$ ,  $\text{V}$ ,  $\text{R}$  were early proposed to be substituted, remained either in exclusive or preponderant use among the Achæan colonies, while the other Greeks of Italy and Sicily without distinction of race used either exclusively or chiefly the more recent forms.

date even those towns that, like Cumae for example,<sup>1</sup> originally spoke the soft Ionic dialect. These settlements were of very various degrees of importance in their bearing on the development of Italy—it is sufficient at present to notice those which exercised a decided influence over the destinies of the Italian races, the Doric Tarentum and the Ionic Cumae.

Of all the Hellenic settlements in Italy, Tarentum was destined to play the most brilliant part. The excellent harbour, the only good one on the whole southern coast, rendered the city the natural emporium for the traffic of the south of Italy, and for some portion even of the commerce of the Adriatic. The rich fisheries of its gulf, the production and manufacture of its excellent wool, and the dyeing of it with the purple juice of the Tarentine *murex*, which rivalled that of Tyre—both branches of industry introduced there from Miletus in Asia Minor—employed thousands of hands, and added to the carrying trade a traffic of export. The coins struck at Tarentum in greater numbers than anywhere else in Grecian Italy, many of them even composed of gold, furnish to us a significant attestation of the lively and widely extended commerce of the Tarentines. At this epoch, when Tarentum was still contending with Sybaris for the first place among the Greek cities of Lower Italy, its extensive commercial connections must have been already forming, but the Tarentines seem never to have steadily and successfully directed their efforts to the extension of their territory after the manner of the Achæan cities.

While the most easterly of the Greek settlements in Italy thus rapidly rose into splendour, those which lay furthest to the north, in the neighbourhood of Vesuvius, attained a more moderate prosperity. There the Cumæans had crossed from the fertile island of Aenaria (Ischia) to the mainland, and had built a second home on a hill close by the sea, from whence they founded the seaport of Dicaearchia (afterwards Puteoli) and the cities of Parthenope and Neapolis. They lived, like the *Chalcidian cities generally in Italy and Sicily, in conformity with the laws which Charondas of Catana (about 480)* had established, under a constitution democratic but modified by a high qualification, which placed the power in the hands of a council of members selected from the wealthiest men—a constitution which proved lasting and kept these cities free, upon the whole, from the tyranny alike of usurpers and of the mob.

<sup>1</sup> *E.g.*, the inscription on an earthen vase of Cumae runs thus —

*Tarales ἐμὶ λεγυθὸς. Εἶς δ' αὖ με κλέψαι θεφλὸς ἔσται.*

We know little as to the external relations of these Campanian Greeks. They remained, whether from necessity or from choice, confined to a district of even narrower limits than the Tarentines; and issuing from it not for purposes of conquest and oppression, but for holding of peaceful commercial intercourse with the natives, they created the means of a prosperous existence for themselves, and at the same time occupied the foremost place among the missionaries of Greek civilisation in Italy.

While on the one side of the straits of Rhegium the whole southern coast of the mainland and its western coast as far as Vesuvius, and on the other the larger eastern half of the island of Sicily, were Greek territory, the west coast of Italy northward of Vesuvius and the whole of the east coast were in a position essentially different. No Greek settlements arose on the Italian seaboard of the Adriatic; a fact which has an evident connection with the comparatively trifling number and subordinate importance of the Greek colonies planted on the opposite Illyrian shore and on the numerous adjacent islands. Two considerable mercantile towns, Epidamnus or Dyrrachium (now Durazzo,  $\frac{1}{2}\frac{27}{27}$ ) and Apollonia (near Avlona, about  $\frac{1}{2}\frac{67}{87}$ ), were founded upon the portion of this coast nearest to Greece during the regal period of Rome; but no old Greek colony can be pointed out further to the north, with the exception perhaps of the insignificant settlement at Black Corcyra (Curzola, about  $\frac{1}{2}\frac{74}{80}$ ?). No adequate explanation has yet been given why the Greek colonisation developed itself in this direction to so meagre an extent. Nature herself appeared to direct the Hellenes thither, and in fact from the earliest times there existed a regular traffic to that region from Corinth and still more from the settlement at Corcyra (Corfu) founded not long after Rome (about  $\frac{4}{7}\frac{4}{16}$ ); a traffic, which had as its emporia on the Italian coast the towns of Spina and Hatria, situated at the mouth of the Po. The storms of the Adriatic, the inhospitable character at least of the Illyrian coasts, and the barbarism of the natives are manifestly not in themselves sufficient to explain this fact. But it was a circumstance fraught with the most momentous consequences for Italy, that the elements of civilisation which came from the east did not exert their influence on its eastern provinces directly, but reached them only through the medium of those that lay to the west. The Adriatic commerce carried on by Corinth and Corcyra was shared by the most easterly mercantile city of Magna Graecia, the Doric Tarentum, which by the possession of Hydrus (Otranto) had the command, on the Italian side,

of the entrance of the Adriatic. Since, with the exception of the ports at the mouth of the Po, there were in those times no emporia worthy of mention along the whole east coast—the rise of Arcona belongs to a far later period, and later still the rise of Brundisium—it is very probable that the manners of Epidamnus and Apollonia frequently discharged their cargoes at Tarentum. The Tarentines had also much intercourse with Apulia by land, all the Greek civilisation to be met with in the south-east of Italy owed its existence to them. That civilisation however, was during the present period only in its infancy—it was not until a later epoch that the Hellenism of Apulia became developed.

It cannot be doubted, on the other hand, that the west coast of Italy northward of Vesuvius was frequented in very early times by the Hellenes, and that there were Hellenic factories on its promontories and islands. Probably the earliest evidence of such voyages is the localising of the legend of Odysseus on the coasts of the Tyrrhene Sea.<sup>1</sup> When men discovered the isle of Aeolus in the Lipari islands, when they pointed out at the Lacinian cape the isle of Calypso, at the cape of Misenum that of the Sirens, at the cape of Circei that of Circe when they recognised in the steep promontory of Terracina the towering mound of Egeon, when the Laestrygonæ were provided with haunts near Caieta and Formice, when the two sons of Ulysses and Circe, Agrius, that is the wild, and Latinus, were made to rule over the Tyrrhenes in the inmost recess of the holy islands,<sup>2</sup> or according to a more recent conception Latinus was called the son of Ulysses and Circe, and Auson the son of Ulysses and Calypso—we recognise in these legends ancient sailors' tales of the seafarers of Ionia, who thought of their native home as they traversed the Tyrrhene Sea. The same noble vividness of feeling which pervades the Ionic poem of the voyages of Odysseus is discernible in this fresh localisation of its legend at Cumæ itself and throughout the regions frequented by the Cumæan mariners.

Other traces of these very ancient voyages are to be found in the Greek name of the island Aethalia (Ilva, Elba) which

<sup>1</sup> Among Greek writers this Tyrrhene legend of Odysseus makes its earliest appearance in the Theogony of Hesiod. In one of its more recent sections—and then in authors of the period shortly before Alexander Iphorus (from whom the so-called Scymnus drew his materials) and the writer known as Scylax. The first of these sources belongs to an age when Italy was still regarded by the Greeks as a group of islands and is certainly therefore very ancient—so that the origin of these legends may, on the whole, be confidently placed in the regal period of Rome.

appears to have been (after Aenaria) one of the places earliest occupied by Greeks, perhaps also in that of the seaport Telamon in Etruria; and further in the two towns on the Caerite coast, Pyrgi (near S. Severa) and Alsium (near Palo), the Greek origin of which is indicated beyond possibility of mistake not only by their names, but also by the peculiar architecture of the walls of Pyrgi, which differs essentially in character from that of the walls of Caere and the Etruscan cities generally. Aethalia, the "fire-island," with its rich mines of copper and especially of iron, probably sustained the chief part in this northern commerce, and there in all likelihood the foreigners had their central settlement and seat of traffic with the natives; the more especially as they could not have found the means of smelting the ores on a small and not well-wooded island without intercourse with the mainland. The silver mines of Populonia also on the headland opposite to Elba were perhaps known to the Greeks and wrought by them.

If, as was undoubtedly the case, the foreigners, ever in those times intent on piracy and plunder as well as trade, did not fail, when opportunity offered, to levy contributions on the natives and to carry them off as slaves, the natives on their part exercised the right of retaliation; and that the Latins and Tyrrhenes retaliated with greater energy and better fortune than their neighbours in the south of Italy, is attested not merely by the legends to that effect, but by the practical result. In these regions the Italians succeeded in resisting the foreigners and in retaining, or at any rate soon resuming, the mastery not merely of their own mercantile cities and seaports, but also of their own seas. The same Hellenic invasion which crushed and denationalised the races of the south of Italy, directed the energies of the peoples of Central Italy—very much indeed against the will of their instructors—towards navigation and the founding of towns. It must have been in this quarter that the Italians first exchanged the raft and the boat for the oared galley of the Phoenicians and Greeks. Here too we first encounter great mercantile cities, particularly Caere in southern Etruria and Rome on the Tiber, which, if we may judge from their Italian names as well as from their being situated at some distance from the sea, were—like the exactly similar commercial towns at the mouth of the Po, Spina and Hatria, and Ariminum further to the south—certainly not Greek, but Italian foundations. It is not in our power, as may easily be supposed, to exhibit the historical course of this earliest reaction of Italian nationality

against foreign assault, but we can still recognise the fact, which was of the greatest importance as bearing upon the further development of Italy, that this reaction took a different course in Latium and in southern Etruria from that which it exhibited in the properly Tuscan and adjoining provinces.

Legend itself contrasts in a significant manner the Latin with the "wild Tyrrhenian," and the peaceful beach at the mouth of the Tiber with the inhospitable shores of the Volsci. This cannot mean that Greek colonisation was tolerated in some of the provinces of Central Italy, but not permitted in others. Northward of Vesuvius there existed no independent Greek community at all in historical times, if Pyrgi once was such, it must have already reverted, before the period at which our tradition begins, into the hands of the Italians or in other words of the Caerites. But in southern Etruria in Latium, and likewise on the east coast, peaceful intercourse with the foreign merchants was protected and encouraged, and such was not the case elsewhere. The position of Caere was especially remarkable. "The Caerites," says Strabo, "were held in much repute among the Hellenes for their bravery and integrity, and because, powerful though they were, they abstained from robbery." It is not piracy that is thus referred to, for in this the merchant of Caere must have indulged like the rest. But Caere was a sort of free port for Phoenicians as well as Greeks. We have already mentioned the Phoenician station—subsequently called Punicum—and the two Hellenic stations of Pyrgi and Alsium (p. 129, 140). It was these ports that the Caerites refrained from robbing, and it was beyond doubt through this tolerant attitude that Caere, which possessed but a wretched roadstead and had no mines in its neighbourhood, early attained so great prosperity and acquired, in reference to the earliest Greek commerce, an importance even greater than the cities of the Italians destined by nature as emporia at the mouths of the Tiber and Po. The cities we have just named are those which appear as holding primitive religious intercourse with Greece. The first of all barbarians to present gifts to the Olympian Zeus was the Tuscan king Arimnus, perhaps a ruler of Ariminum. Spina and Caere had their special treasures in the temple of the Delphic Apollo, like other communities that had regular dealings with the shrine, and the sanctuary at Delphi, as well as the Cumæan oracle, is interwoven with the earliest traditions of Caere and of Rome. These cities, where the Italians held peaceful sway and carried on friendly traffic with the foreign

merchant, became pre-eminently wealthy and powerful, and were in reality marts not only for Hellenic merchandise, but also for the germs of Hellenic civilisation.

Matters stood on a different footing with the "wild Tyrrhenians." The same causes, which in the province of Latium, and in the districts on the right bank of the Tiber and along the lower course of the Po that were perhaps rather subject to Etruscan supremacy than strictly Etruscan, had led to the emancipation of the natives from the maritime power of the foreigner, led in Etruria proper to the development of piracy and maritime ascendancy, in consequence possibly of the difference of national character disposing the people to violence and pillage, or it may be for other reasons with which we are not acquainted. The Etruscans were not content with dislodging the Greeks from Aethalia and Populonia; even the individual trader was apparently not tolerated by them, and soon Etruscan privateers roamed over the sea far and wide, and rendered the name of the Tyrrhenians a terror to the Greeks. It was not without reason that the Greeks reckoned the grapnel as an Etruscan invention, and called the western sea of Italy the sea of the Tuscans. The rapidity with which these wild corsairs multiplied and the violence of their proceedings, in the Tyrrhene Sea in particular, are very clearly shown in their establishment on the Latin and Campanian coasts. The Latins indeed maintained their ground in Latium proper, and the Greeks at Vesuvius; but between them and by their side the Etruscans held sway in Antium and in Surrentum. The Volscians became clients of the Etruscans; their forests contributed keels for the Etruscan galleys; and seeing that the piracy of the Antiates was only terminated by the Roman occupation, it is easy to understand why the coast of the southern Volscians bore among Greek mariners the name of the Laestrygonæ. The high promontory of Sorrento with the cliff of Capri which is still more precipitous but destitute of any harbour—a station thoroughly adapted for corsairs on the watch, commanding a prospect of the Tyrrhene Sea between the bays of Naples and Salerno—was early occupied by the Etruscans. They are affirmed even to have founded a "league of twelve towns" of their own in Campania, and communities speaking Etruscan still existed in its inland districts in times quite historical. These settlements were probably indirect results of the maritime dominion of the Etruscans in the Campanian seas, and of their rivalry with the Cumæans at Vesuvius.

The Etruscans however by no means confined themselves to robbery and pillage. The peaceful intercourse which they held with Greek towns is attested by the gold and silver coins which, at least from the year 344, were struck by the Etruscan cities, and in particular by Populonia, after a Greek model and a Greek standard. The circumstance, moreover, that these coins are modelled not upon those of Magna Graecia, but rather upon those of Attica and even Asia Minor, is perhaps an indication of the hostile attitude in which the Etruscans stood towards the Italian Greeks. For commerce they in fact enjoyed a most favourable position, far more advantageous than that of the inhabitants of Latium. Inhabiting the country from sea to sea they commanded the great Italian free ports on the western waters, the mouths of the Po and the Venice of that time on the eastern sea, and the land route which from ancient times led from Pisae on the Tyrrhene Sea to Spina on the Adriatic, while in the south of Italy they commanded the rich plains of Capua and Nola. They were the holders of the most important articles of Italian export, the iron of Aethalia, the copper of Volaterrae and Campania, the silver of Populonia, and the amber which was brought to them from the Baltic (p. 128). Under the protection of their piracy, which constituted as it were a rude navigation act, their own commerce could not fail to flourish. It need not surprise us to find Etruscan and Milesian merchants competing in the market of Sybaris, nor need we be astonished to learn that the combination of privateering and commerce on a great scale generated an unbounded and senseless luxury, in which the vigour of Etruria early wasted away.

While in Italy the Etruscans and, in a lesser degree, the Latins thus stood opposed to the Hellenes, warding them off and partly treating them as enemies, this antagonism to some extent necessarily affected the rivalry which then pervaded the commerce and navigation of the Mediterranean—the rivalry between the Phoenicians and Hellenes. This is not the place *to set forth in detail how, during the regal period of Rome, these two great nations contended for supremacy on all the shores of the Mediterranean, in Greece even and Asia Minor, in Crete and Cyprus, on the African, Spanish, and Celtic coasts.* This struggle did not take place directly on Italian soil, but its effects were deeply and permanently felt in Italy. The fresh energies and more universal endowments of the younger competitor had at first the advantage everywhere. Not only did the Hellenes rid themselves of the Phoenician factories in their own European

and Asiatic home, but they dislodged the Phoenicians also from Crete and Cyprus, obtained a footing in Egypt and Cyrene, and possessed themselves of Lower Italy and the larger eastern half of the island of Sicily. On all hands the small trading stations of the Phoenicians gave way before the more energetic colonisation of the Greeks. Selinus ( $\frac{1}{6}\frac{2}{2}\frac{6}{8}$ ) and Agrigentum ( $\frac{1}{5}\frac{7}{8}\frac{4}{0}$ ) were founded in Western Sicily; the more remote western sea was traversed, Massilia was built on the Celtic coast (about  $\frac{1}{6}\frac{5}{0}\frac{0}{0}$ ), and the shores of Spain were explored, by the bold Phocaeans from Asia Minor. But about the middle of the second century the progress of Hellenic colonisation was suddenly arrested and there is no doubt that the cause of this arrest was the contemporary rapid development of Carthage, the most powerful of the Phoenician cities in Libya—a development manifestly due to the danger with which Hellenic aggression threatened the whole Phoenician race. If the nation which had opened up maritime commerce on the Mediterranean had been already dislodged by its younger rival from the sole command of the western half, from the possession of both lines of communication between the eastern and western basins of the Mediterranean, and from the monopoly of the carrying trade between east and west, the sovereignty at least of the seas to the west of Sardinia and Sicily might still be saved for the Orientals; and to its maintenance Carthage applied all the tenacious and circumspect energy peculiar to the Aramaean race. Phoenician colonisation and Phoenician resistance assumed an entirely different character. The earlier Phoenician settlements, such as those in Sicily described by Thucydides, were mercantile factories: Carthage subdued extensive territories with numerous subjects and powerful fortresses. Hitherto each Phoenician settlement had stood isolated in its opposition to the Greeks; now the powerful Libyan city centralised the whole warlike resources of the race within its reach with a vigour to which the history of the Greeks can produce nothing parallel. Perhaps the element in this reaction which exercised the most momentous influence in the sequel was the close relation into which the weaker Phoenicians entered with the natives of Sicily and Italy in order to resist the Hellenes. When the Cnidians and Rhodians made an attempt about  $\frac{1}{5}\frac{7}{7}\frac{5}{9}$  to establish themselves at Lilybaeum, the centre of the Phoenician settlements in Sicily, they were expelled by the natives, the Elymi of Segeste, in concert with the Phoenicians. When the Phocaeans settled about  $\frac{2}{5}\frac{1}{3}\frac{7}{7}$  at Alalia (Aleria) in Corsica opposite to Caere, there

appeared for the purpose of expelling them a combined fleet of Etruscans and Carthaginians, numbering a hundred and twenty sail; and although in the naval battle that ensued—one of the earliest known in history—the fleet of the Phocaeans, which was only half as numerous, claimed the victory, the Carthaginians and Etruscans gained the object which they had in view in the attack, the Phocaeans abandoned Corsica, and preferred to settle at Hyele (Velia) on the less exposed coast of Lucania. A treaty between Etruria and Carthage not only established regulations regarding the importation of goods and the redress of rights, but included also an alliance-in arms (*συνμαχία*), the serious import of which is shown by that very battle of Alalia. It is a significant indication of the position of the Caerites, that they stoned the Phocaean captives in the market at Caere and then sent an embassy to the Delphic Apollo to atone for the crime.

Latium did not join in these hostilities against the Hellenes, on the contrary we find friendly relations subsisting in very ancient times between the Romans and the Phocaeans in Velia as well as in Massilia, and the Ardeates are even said to have founded in concert with the Zacynthians a colony in Spain, the later Saguntum. Much less, however, did the Latins range themselves on the side of the Hellenes—the neutrality of their position in this respect is attested by the close relations maintained between Caere and Rome, as well as by the traces of ancient intercourse between the Latins and Carthaginians. It was through the medium of the Hellenes that the Canaanite race became known to the Romans, for, as we have already seen (p. 129), they always designated it by its Greek name, but the fact that they did not borrow from the Greeks either the name for the city of Carthage<sup>1</sup> or the national name of *Afri*,<sup>2</sup> and the circumstance that among the earlier Romans Tyrian wares were designated by the adjective *Sarranus*<sup>3</sup> which in like manner precludes the idea of Greek intervention, demonstrate—what

<sup>1</sup> The Phoenician name was *Karthada* the Greek, *Karchedon* the Roman *Cartago*.

<sup>2</sup> The name *Afri*, already current in the days of Ennius and Cato (comp. *Scipio Africanus*), is certainly not Greek, and is most probably related to that of the Hebrews.

<sup>3</sup> The adjective *Sarranus* was from early times applied by the Romans to the Tyrian purple and the Tyrian flute—and it was in use also as a surname—at least from the time of the war with Hannibal. *Sarra* which occurs in Ennius and Plautus as the name of the city, was perhaps formed from *Sarranus* not directly from the native name *Sor*. The Greek form *Tyros*, *Tyrius* seems not to occur in any Roman author anterior to Afranius (ap. I est. p. 355 M). Compare Movers *Phon.* ii. 1. 174.

the treaties of a later period concur in proving—the direct commercial intercourse anciently subsisting between Latium and Carthage.

The combined power of the Italians and Phoenicians actually succeeded in substantially retaining the western half of the Mediterranean in their hands. The north-western portion of Sicily, with the important ports of Soluntum and Panormus on the north-west, and Motya at the point which looks towards Africa, remained in the direct or indirect possession of the Carthaginians. About the age of Cyrus and Croesus, when the wise Bias was endeavouring to induce the Ionians to emigrate in a body from Asia Minor and settle in Sardinia (about  $\frac{200}{550}$ ), the Carthaginian general Malchus anticipated them, and subdued a considerable portion of that important island by force of arms; half a century later, the whole coast of Sardinia appears in the undisputed possession of the Carthaginian community. Corsica on the other hand, with the towns of Alalia and Nicaea, fell to the Etruscans, and the natives paid them tribute of the products of their poor island, pitch, wax, and honey. In the Adriatic sea, moreover, the allied Etruscans and Carthaginians predominated, as in the waters to the west of Sicily and Sardinia. The Greeks, indeed, did not give up the struggle. Those Rhodians and Cnidians, who had been driven out of Lilybaeum, established themselves on the islands between Sicily and Italy and founded there the town of Lipara ( $\frac{175}{575}$ ). Massilia flourished in spite of its isolation, and soon monopolised the trade from Nice to the Pyrenees. At the Pyrenees themselves Rhoda (now Rosas) was established as an offset from Lipara, and it is affirmed that Zacynthians settled in Saguntum, and even that Greek dynasts ruled at Tingis (Tangier) in Mauretania. But the Hellenes no longer gained ground; after the foundation of Agrigentum they did not succeed in acquiring any important additions of territory on the Adriatic or on the western sea, and they remained excluded from the Spanish waters as well as from the Atlantic Ocean. Every year the Liparaeans had their conflicts with the Tuscan “sea-robbers,” and the Carthaginians with the Massiliots and the Cyrenaeans and above all with the Sicilian Greeks; but no results of permanent moment were on either side achieved, and the issue of struggles which lasted for centuries was, on the whole, the simple maintenance of the *status quo*.

Thus Italy was, indirectly at any rate, indebted to the Phoenicians for the exemption of at least her central and

northern provinces from colonisation, and for the counter-development of a national maritime power there, especially in Etruria. But there are not wanting indications that the Phoenicians already found it expedient to manifest that jealousy which is usually associated with naval domination, if not in reference to their Latin allies, at any rate in reference to their Etruscan confederates, whose naval power was greater. The statement as to the Carthaginians having prohibited the sending forth of an Etruscan colony to the Canary islands, whether true or false, reveals the existence of a rivalry of interests in the matter.

## CHAPTER XI

### LAW AND JUSTICE

HISTORY, as such, cannot reproduce the life of a people in the infinite variety of its details; it must be content with exhibiting the development of that life as a whole. The doings and dealings, the thoughts and imaginings of the individual, however strongly they may reflect the characteristics of the national mind, form no part of history. Nevertheless it seems necessary to make some attempt to indicate—only in the most general outlines—the features of individual life in the case of those earlier ages which are, so far as history is concerned, all but lost in oblivion; for it is in this field of research alone that we acquire some idea of the breadth of the gulf which separates our modes of thinking and feeling from those of the civilised nations of antiquity. Tradition, with its confused mass of national names and its dim legends, resembles withered leaves which with difficulty we recognise to have once been green. Instead of threading that dreary maze and attempting to classify those shreds of humanity, the Chones and Oenotrians, the Siculi and the Pelasgi, it will be more to the purpose to inquire how the life of the people in ancient Italy expressed itself, practically, in their jurisprudence and, ideally, in their religion; how they farmed and how they traded; and whence the several nations derived the art of writing and other elements of culture. Scanty as our knowledge in this respect is in reference to the Roman people and still more so in reference to the Sabellians and Etruscans, even the slight and very defective information which is attainable will enable the mind to associate with these names some more or less clear conception of the once living reality. The chief result of such a view (as we may here mention by way of anticipation) may be summed up in saying that fewer traces comparatively of the primitive state of things have been preserved in the case of the Italians, and of the Romans in particular, than in the case of any other Indo-Germanic race. The bow and arrow, the war-chariot, the incapacity of women to hold property, the acquiring of wives by purchase, the primitive form of burial, blood-revenge, the clan-constitution conflicting

with the authority of the community, a fresh natural symbolism—all these, and numerous phenomena of a kindred character, must be presumed to have lain at the foundation of civilisation in Italy as well as elsewhere, but at the epoch when that civilisation comes clearly into view they have wholly disappeared, and only the comparison of kindred races informs us that such things once existed. In this respect Italian history begins at a far later stage of civilisation than e.g. the Greek or the Germanic, and from the first it exhibits a comparatively modern character.

The laws of most of the Italian stocks are lost in oblivion. Some information regarding the law of the Latin land alone has survived in Roman tradition.

All jurisdiction was vested in the community or, in other words, in the king, who administered justice or "command" (*ius*) on the "days of utterance" (*dies fasti*) at the "judgment-platform" (*tribunal*) in the place of public assembly, sitting on a "chariot-seat" (*sella curulis*)<sup>1</sup> by his side stood his "messengers" (*lictors*), and before him the person accused or the "parties" (*res*). In the case of slaves the right of decision lay immediately with the master, and in the case of women with the father, husband, or nearest male relative (p. 57), but slaves and women were not reckoned as being properly members of the community. Over sons and grandsons who were *in potestate* the power of the *pater familias* subsisted concurrently with the royal jurisdiction, that power, however, was not a jurisdiction in the proper sense of the term, but simply a consequence of the father's inherent right of property in his children. We find no traces of any jurisdiction appertaining to the clans as such, or of any judicature at all that did not derive its authority from the king. As regards the right of self redress and in particular the avenging of blood, we still find in legends an echo perhaps of the original principle that a murderer, or any one who should illegally protect a murderer, might justifiably be slain by the kinsmen of the person murdered, but these very legends characterise this principle as objectionable,<sup>2</sup> and from their

<sup>1</sup> This chariot seat—no other explanation can well be given consistently with philological rules (comp. *Serv. ad Aen.* i. 16)—is most simply explained by supposing that the king alone was entitled to ride in a chariot within the city (p. 65)—whence originated the privilege subsequently accorded to the chief magistrate on solemn occasions—and that originally, so long as there was no elevated tribunal, he rode to the comitium in his chariot and gave judgment from the chariot seat.

<sup>2</sup> The story of the death of king Tatius as given by Plutarch (*Rom.* 23, 24) viz. that kinsmen of Tatius had killed envoys from Laurentum—that

statements blood-revenge would appear to have been very early suppressed in Rome by the energetic assertion of the authority of the state. In like manner we perceive in the earliest Roman law no trace of that influence which under the oldest Germanic institutions the comrades of the accused and the people present were entitled to exercise over the pronouncing of judgment; nor do we find in the former any evidence of the usage so frequent in the latter, by which the mere will and power to maintain a claim with arms in hand were treated as judicially necessary or at any rate admissible.

Judicial procedure took the form of a public or a private process, according as the king interposed of his own motion or only when appealed to by the injured party. The former course was taken only in cases which involved a breach of the public peace. First of all, therefore, it was applicable in the case of public treason or communion with the public enemy (*proditio*), and in that of violent rebellion against the magistracy (*perduellio*). But the public peace was also broken by the foul murderer (*parricida*), the sodomite, the violator of a maiden's or matron's chastity, the incendiary, the false witness, by those, moreover, who with evil spells conjured away the harvest, or who without due title cut the corn by night in the field entrusted to the protection of the gods and of the people; all of these were therefore dealt with as though they had been guilty of high treason. The king opened and conducted the process, and pronounced sentence after conferring with the senators whom he had called in to advise with him. He was at liberty, however, after he had initiated the process, to commit the further handling and the adjudication of the matter to deputies who were, as a rule, taken from the senate. The commissioners for adjudicating on rebellion (*duoviri perduellionis*) were extraordinary deputies of this sort. The "trackers of murder" (*quaestores parricidii*) appear to have been standing deputies, whose primary duty was to search for and arrest murderers, and who

Tatius had refused the complaint of the kinsmen of the slain for redress: that they then put Tatius to death; that Romulus acquitted the murderers of Tatius, on the ground that murder had been expiated by murder; but that in consequence of the penal judgments of the gods that simultaneously fell upon Rome and Laurentum the perpetrators of both murders were in the sequel subjected to righteous punishment—this story looks very like an historical version of the abolition of blood-revenge, just as the introduction of the *provocatio* lies at the foundation of the myth of the Horatii. The versions of the same story that occur elsewhere certainly present considerable variations, but they seem to be confused or crossed up.

therefore acted as a sort of police. Imprisonment while the case was undergoing investigation was the rule, the accused might, however, be released on bail. Torture to compel confession was only applied to slaves. Every one convicted of having broken the public peace expiated his offence with his life. The modes of inflicting capital punishment were various: the false witness, for example, was hurled from the stronghold rock, the harvest-thief was hanged, the incendiary was burnt. The king could not grant pardon, for that privilege was vested in the community alone, but the king might grant or refuse to the condemned permission to appeal for mercy (*provocatio*). In addition to this the law recognised an intervention of the gods in favour of the condemned criminal. He who had made a genuflection before the priest of Jupiter might not be scourged on the same day, any one under fetters who set foot in his house had to be released from his bonds, and the life of a criminal was spared if on his way to execution he accidentally met one of the sacred virgins of Vesta.

The king inflicted at his discretion fines payable to the state for trespasses against order and for police offences, they consisted in a definite number (hence the name *multa*) of cattle or sheep. It was in his power also to pronounce sentence of scourging.

In all other cases, where the individual alone was injured and not the public peace, the state only interposed upon the appeal of the party injured, who caused his opponent, or in case of need by laying violent hands on him compelled him, to appear personally along with himself before the king. When both parties had appeared and the plaintiff had orally stated his demand, while the defendant had in similar fashion refused to comply with it, the king might either investigate the cause himself or have it disposed of by a deputy acting in his name. The regular form of satisfaction for such an injury was a compromise arranged between the injurer and the injured, the state only interfered supplementarily, when the thief did not satisfy the person from whom he had stolen or the aggressor the party aggrieved by an adequate expiation (*poena*), when any one had his property detained or his just demand unfulfilled.

Whether or under what circumstances during this epoch theft was regarded as expiable, and what in such an event the person injured was entitled to demand from the thief, cannot be ascertained. But the injured party with reason demanded heavier compensation from a thief caught in the very act than

from one detected afterwards, since the feeling of exasperation which had to be appeased was more vehement in the case of the former than in that of the latter. If the theft appeared incapable of expiation, or if the thief was not in a position to pay the value demanded by the injured party and approved by the judge, he was assigned by the judge to the person from whom he had stolen as a bondsman.

In cases of damage (*iniuria*) to person or to property, where the injury was not of a very serious description, the aggrieved party was obliged unconditionally to accept compensation; if, on the other hand, any member was lost in consequence of it, the maimed person could demand eye for eye and tooth for tooth.

Since the arable land among the Romans was long cultivated upon the system of joint possession, and was not distributed until a comparatively late age, the idea of property was primarily associated not with immovable estate, but with "estate in slaves and cattle" (*familia pecuniæque*). It was not the right of the stronger that was regarded as the foundation of a title to it; on the contrary, all property was considered as conferred by the community upon the individual burgess for his exclusive possession and use; and therefore it was only the burgesses and such as the community treated in this respect as equal to burgesses that were capable of holding property. All property passed freely from hand to hand. The Roman law made no substantial distinction between movable and immovable estate (from the time that the latter was regarded as private property at all), and recognised no absolute vested interest of children or other relatives in the paternal or family property. Nevertheless it was not in the power of the father arbitrarily to deprive his children of their right of inheritance, because he could neither dissolve the paternal power nor execute a testament except with consent of the whole community, which might be, and certainly under such circumstances often was, refused. In his lifetime no doubt the father might make dispositions disadvantageous to his children; for the law was sparing of personal restrictions on the proprietor and allowed, upon the whole, every grown-up man freely to dispose of his property. The regulation, however, under which he who alienated his hereditary property and deprived his children of it was placed by order of the magistrate under guardianship like a lunatic, was probably as ancient as the period when the arable land was first divided and in consequence private property generally

acquired greater importance for the commonwealth. In this way the two antagonistic principles—the unlimited right of the owner to dispose of his own, and the preservation of the family property unbroken—were as far as possible harmonised in the Roman law. Permanent restrictions on property were in no case allowed, with the exception of servitudes such as those indispensable in husbandry. Heritable leases and ground rents charged upon property could not legally exist. The law as little recognised mortgaging, but the same purpose was served by the immediate delivery of the property in pledge to the creditor as if he were its purchaser, who thereupon gave his word of honour (*fiducia*) that he would not alienate the object pledged until the payment fell due, and would restore it to his debtor when the sum advanced had been repaid.

Contracts concluded between the state and a burgess, particularly the obligation given by those who became sureties for a payment to the state (*prævidēs, prædes*), were valid without further formality. On the other hand, contracts between private persons under ordinary circumstances founded no claim for legal redress at the hands of the state. The only protection of the creditor was the debtor's word of honour which was held in high esteem after the wont of merchants, and possibly also, in those frequent cases where an oath had been added, the fear of the gods who avenged perjury. The only contracts legally actionable were those of betrothal (the effect of which was that the father, in the event of his failing to give the promised bride, had to furnish satisfaction and compensation), of purchase (*mancipatio*), and of loan (*nexum*). A purchase was held to be legally concluded when the seller delivered the article purchased into the hand of the buyer (*mancipare*), and the buyer at the same time paid to the seller the stipulated price in presence of witnesses. This was done, after copper superseded sheep and cattle as the regular standard of value, by weighing out the stipulated quantity of copper in a balance adjusted by a neutral person.<sup>1</sup> These conditions having been complied with, the

<sup>1</sup> The *mancipatio* in its fully developed form must have been more recent than the Servian reform, as the number of the witnesses proportioned to that of the classes, and the selection of mancipable objects which had for its aim the fixing of agricultural property serve to show. Even tradition must have assumed that such was the case, for it makes Servius the inventor of the balance. But in its origin the *mancipatio* must be far more ancient, for it primarily applies only to objects which are acquired by grasping with the hand, and must therefore in its earliest form have belonged to the epoch when property mainly consisted in slaves and cattle (*famīlia pecūniæque*). The number of the witnesses, and the enumeration

seller had to answer for his being the owner, and in addition seller and purchaser had to fulfil every stipulation specially agreed on; the party failing to do so made reparation to the other, just as if he had robbed him of the article in question. But a purchase only found an action in the event of its being a transaction for ready money: a purchase on credit neither gave nor took away the right of property, and constituted no ground of action. A loan was negotiated in a similar way; the creditor weighed over to the debtor in presence of witnesses the stipulated quantity of copper under the obligation (*nexum*) of repayment. In addition to the capital the debtor had to pay interest, which under ordinary circumstances probably amounted to ten per cent. per annum.<sup>1</sup> The repayment of the loan took place, when the time came, with similar forms.

If a debtor to the state did not fulfil his obligations, he was without further ceremony sold with all that he had; the simple demand on the part of the state was sufficient to establish the debt. If on the other hand a private person informed the king of any violation of his property (*vindiciae*), or if repayment of the loan received did not duly take place, the procedure depended on whether the facts relating to the cause had to be established by proof or were already clear. The latter cannot well be conceived in the case of actions as to property, but in actions as to loans the ground of action could be easily established according to the current rules of law by means of witnesses. The establishment of the facts assumed the form of a wager, in which each party made a deposit (*sacramentum*) against the contingency of his being worsted; in important causes when the value involved was greater than ten oxen, a deposit of five oxen, in causes of less amount, a deposit of five sheep. The judge then decided who had gained the wager, whereupon the deposit of the losing party fell to the priests for behoof of the public sacrifices. The party who lost the wager and allowed thirty days to elapse without giving due satisfaction to his

of those objects which had to be acquired by *mancipatio*, fall in this view to be ranked as Servian innovations; the *mancipatio* itself, and consequently the use also of the balance and of copper, are more ancient. Beyond doubt *mancipatio* was originally the universal form of purchase, and was the practice followed with all articles even after the Servian reform; it was only a misunderstanding of later ages which put upon the rule, that certain articles must be transferred by *mancipatio*, the construction that these articles alone could be so transferred.

<sup>-1</sup> Viz. for the year of ten months one twelfth part of the capital (*uncia*), which amounts to 8½ per cent. for the year of ten, and 10 per cent. for the year of twelve, months.

opponent, and the party whose obligation to pay was established from the first—consequently, as a rule, the debtor who had got a loan and had no witnesses to attest repayment—became liable to proceedings in execution “by laying on of hands” (*manus injectio*), the plaintiff seized him wherever he found him, and brought him to the bar of the judge simply to demand the acknowledged debt. The party seized was not allowed to defend himself, a third party might indeed intercede for him and represent this act of violence as unwarranted (*vindex*), in which case the proceedings were stayed, but such an intercession rendered the intercessor personally responsible, for which reason, in the case of freeholders, other freeholders alone could act as intercessors. If neither satisfaction nor intercession took place, the king assigned the party seized in execution to his creditor, so that he could lead him away and keep him like a slave. After the expiry of sixty days during which the debtor had been three times exposed in the market place and proclamation had been made whether any one would have compassion on him, if these steps were without effect, his creditors had a right to put him to death and to divide his carcase, or to sell him with his children and his effects into foreign slavery, or to keep him at home in a slave’s stead, he could not by the Roman law, so long as he remained within the bounds of the Roman community, become absolutely a slave (p. 104). Thus the Roman community protected every man’s estate with unrelenting rigour as well from the thief and the injurer, as from the unauthorised possessor and the insolvent debtor.

Protection was in like manner provided for the estate of persons not capable of bearing arms and therefore not capable of protecting their own property, such as minors and lunatics, and above all for that of women, in these cases the nearest heirs were called to undertake the guardianship.

After a man’s death his property fell to the nearest heirs—in the division all who were equal in proximity of relationship—women included—shared alike, and the widow along with her children was admitted to her proportional share. A dispensation from the legal order of succession could only be granted by the assembly of the people, previous to which the consent of the priests had to be obtained on account of the religious obligations attaching to property. Such dispensations appear nevertheless to have become at an early period very frequent. In the event of a dispensation not being procured, the want of it might be in some measure remedied by means of the completely free control

which every one had over his property during his lifetime. His whole property was transferred to a friend, who distributed it after death according to the wishes of the deceased.

Manumission was unknown to the law of very early times. The owner might indeed refrain from exercising his proprietary rights; but this did not cancel the existing impossibility of master and slave contracting mutual obligations; still less did it enable the slave to acquire, in relation to the community, the rights of a guest or of a burgess. Accordingly manumission must have been at first simply *de facto*, not *de jure*; and the master cannot have been debarred from the possibility of again at pleasure treating the freedman as a slave. But there was a departure from this principle in cases where the master came under obligation not merely towards the slave, but towards the community, to leave him in possession of freedom. There was no special legal form, however, for thus binding the master—the best proof that there was at first no such thing as a manumission; but those methods which the law otherwise presented—testament, action, or census—were employed for this object. If the master had either declared his slave free when executing his last will in the assembly of the people, or had allowed his slave to claim freedom in his own presence before a judge or to get his name inscribed in the valuation-roll, the freedman was regarded not indeed as a burgess, but as free in relation to his former master and his heirs, and was accordingly looked upon at first as a client, and in later times as a plebeian (p. 86).

The emancipation of a son encountered greater difficulties than that of a slave; for while the relation of master to slave was accidental and therefore capable of being dissolved at will, the father could never cease to be father. Accordingly in later times the son was obliged, in order to get free from the father, first to enter into slavery and then to be set free out of this latter state; but in the period now before us no emancipation of sons can have as yet existed.

Such were the laws under which burgesses and clients lived in Rome. Between these two classes, so far as we can see, there subsisted from the beginning the fullest equality of private rights. The foreigner on the other hand, if he had not submitted to a Roman patron and thus lived as a client, was beyond the pale of the law both in person and in property. Whatever the Roman burgess took from him was as rightfully acquired as was the shell-fish, belonging to nobody, which was picked up by the sea-shore; but in the case of ground lying beyond the

Roman bounds, while the Roman burgess might take practical possession, he could not be regarded as in a legal sense its proprietor, for the individual burgess was not entitled to advance the bounds of the community. The case was different in war whatever the soldier who was fighting in the ranks of the levy gained, whether movable or immovable property, fell not to him, but to the state, and accordingly here too it depended upon the state whether it would advance or contract its bounds.

Exceptions from these general rules were created by special state-treaties, which secured certain rights to the members of foreign communities within the Roman state. In particular, the perpetual league between Rome and Latium declared all contracts between Romans and Latins to be valid in law, and at the same time instituted in their case a speedy civil process before sworn "recoverers" (*recuperatores*). As, contrary to Roman usage, which in other instances committed the decision to a single judge, these always sat several in number and that number uneven, they are probably to be regarded as a court for the cognisance of commercial dealings, composed of arbiters from both nations and an umpire. They sat in judgment at the place where the contract was entered into, and were obliged to have the process terminated at latest in ten days. The forms under which the dealings between Romans and Latins were conducted, were of course the general forms which regulated the mutual dealings of patricians and plebeians, for the *mancipatio* and the *nexum* were originally no mere formal acts, but the significant embodiment of legal ideas which held a sway at least as extensive as the range of the Latin language.

Dealings with countries strictly foreign were carried on in a different fashion and by means of other forms. In very early times treaties as to commerce and legal redress must have been entered into with the Caerites and other friendly peoples, and must have formed the basis of the international private law (*ius gentium*), which gradually became developed in Rome alongside of the law of the land. An indication of the formation of such a system is found in the remarkable *mutuum*, "exchange" (from *mutare* like *dividuus*)—a form of loan, which was not based like the *nexum* upon a binding declaration of the debtor expressly emitted before witnesses, but upon the mere transit of the money from one hand to another, and which as evidently originated in dealings with foreigners as the *nexum* in business dealings at home. It is accordingly a significant fact that the word reappears in Sicilian Greek as *μοῖτροι*, and with this is to

be connected the reappearance of the Latin *carcer* in the Sicilian *κάρκαρον*. Since it is philologically certain that both words were originally Latin, their occurrence in the local dialect of Sicily becomes an important testimony to the frequency of the dealings of Latin traders in the island, which led to their borrowing money there and becoming liable to that imprisonment for debt, which was everywhere in the earlier systems of law the consequence of the non-repayment of a loan. Conversely the name of the Syracusan prison, "stone-quarries" or *λατομῖαι*, was transferred at an early period to the enlarged Roman state-prison, the *lautumiae*.

We have derived our outline of these institutions mainly from the earliest record of the Roman common law prepared about half a century after the abolition of the monarchy; and their existence in the regal period, while doubtful perhaps as to particular points of detail, cannot be doubted in the main. Surveying them as a whole, we recognise the law of a far-advanced agricultural and mercantile city, marked alike by its liberality and its consistency. In its case the conventional language of symbols, such as *e.g.* the Germanic laws exhibit, has already quite disappeared. There is no doubt that such a symbolic language must have existed at one time among the Italians. Remarkable instances of it are to be found in the form of searching a house, wherein the searcher must, according to the Roman as well as the Germanic custom, appear without upper garment, merely in his shirt; and especially in the primitive Latin formula for declaring war, in which we meet with at least two symbols occurring also among the Celts and the Germans—the "pure herb" (*herba pura*, Franconian *chrene chroda*) as a symbol of the native soil, and the singed bloody staff as a sign of commencing war. But with a few exceptions in which reasons of religion protected the ancient usages—to which class the *confarreatio* as well as the declaration of war by the college of Fetiales belonged—the Roman law, as we know it, uniformly and on principle rejects the symbol, and requires in all cases neither more nor less than the full and pure expression of will. The delivery of an article, the summons to bear witness, the conclusion of marriage, were complete as soon as the parties had in an intelligible manner declared their purpose; it was usual, indeed, to deliver the article into the hand of the new owner, to pull the person summoned as a witness by the ear, to veil the bride's head and to lead her in solemn procession to her husband's house; but all these primitive practices were already,



a comprehensive equality of rights also to the guest; women were placed completely on a level in point of legal capacity with men, although restricted in administering their property; the boy had scarcely grown up when he received at once the most comprehensive powers in the disposal of his estate, and every one who could dispose at all was as sovereign in his own sphere as was the state in public affairs. A feature eminently characteristic was the system of credit. There did not exist any credit on landed security, but instead of a debt on mortgage the step which constitutes at present the final stage in mortgage-procedure—the delivery of the property from the debtor to the creditor—took place at once. On the other hand personal credit was guaranteed in the most summary, not to say extravagant, fashion; for the law entitled the creditor to treat his insolvent debtor like a thief, and granted to him in sober legislative earnest what Shylock, half in jest, stipulated for from his mortal enemy, guarding indeed by special clauses the point as to the cutting off too much more carefully than did the Jew. The law could not have more clearly expressed its design, which was to establish at once an independent agriculture free of debt and a mercantile credit, and to suppress with stringent energy all merely nominal ownership and all breaches of fidelity. If we further take into consideration the right of settlement recognised at an early date as belonging to all the Latins (p. 105), and the validity which was likewise early pronounced to belong to civil marriage (p. 89), we shall perceive that this state, which made the highest demands on its burgesses and carried the idea of subordinating the individual to the interest of the whole further than any state before or since has done, only did and only could do so by itself removing the barriers to intercourse and unshackling liberty quite as much as it subjected it to restriction. In permission or in prohibition the law was always absolute. As the foreigner who had none to intercede for him was like the hunted deer, so the guest was on a footing of equality with the burgess. A contract did not ordinarily furnish a ground of action, but where the right of the creditor was acknowledged, it was so all-powerful that there was no deliverance for the poor debtor, and no humane or equitable consideration was shown towards him. It seemed as if the law found a pleasure in presenting on all sides its sharpest spikes, in drawing the most extreme consequences, in forcibly obtruding on the bluntest understanding the tyrannic nature of the idea of right. The poetical form and the genial symbolism, which so pleasingly

prevail in the Germanic legal ordinances, were foreign to the Roman, in his law all was clear and precise; no symbol was employed, no institution was superfluous. It was not cruel, everything necessary was performed without tedious ceremony, even the punishment of death; that a free man could not be tortured was a primitive maxim of Roman law, to obtain which other peoples have had to struggle for thousands of years. Yet this law was frightful in its inexorable severity, which we cannot suppose to have been very greatly mitigated by humanity in practice, for it was really the law of the people; more terrible than Venetian *piombi* and chambers of torture was that series of living entombments which the poor man saw yawning before him in the debtors' towers of the rich. But the greatness of Rome was involved in, and was based upon, the fact that the Roman people ordained for itself and endured a system of law, in which the eternal principles of freedom and of subordination, of property and of legal redress, reigned and still at the present day reign unadulterated and unmodified.

## CHAPTER XII

### RELIGION

THE Roman world of gods, as we have already indicated (p. 27), was a higher counterpart, an ideal reflection, of the earthly Rome, in which the little and the great were alike reproduced with painstaking exactness. The state and the clan, the individual phenomena of nature as well as the individual operations of mind, every man, every place and object, every act even falling within the sphere of Roman law, reappeared in the Roman world of gods; and, as earthly things come and go in perpetual flux, the circle of the gods underwent a corresponding fluctuation. The tutelary spirit, which presided over the individual act, lasted no longer than that act itself: the tutelary spirit of the individual man lived and died with the man; and eternal duration belonged to divinities of this sort only in so far as similar acts and similarly constituted men and therefore spirits of a similar kind were ever coming into existence afresh. As the Roman gods ruled over the Roman community, so every foreign community was presided over by its own gods; but strict as was the distinction between the burgess and non-burgess, between the Roman and the foreign god, both foreign men and foreign divinities might be admitted by resolution of the community to the freedom of Rome, and when the citizens of a conquered city were transported to Rome, the gods of that city were also invited to take up their new abode there.

We obtain information regarding the original cycle of the gods, as it stood in Rome previous to any contact with the Greeks, from the list of the public and duly named festival-days (*feriae publicae*) of the Roman community, which is preserved in its calendar and is beyond all question the oldest document which has reached us from Roman antiquity. The first place in it is occupied by the gods Jupiter and Mars along with the duplicate of the latter, Quirinus. All the days of full moon (*idus*) are sacred to Jupiter, besides all the wine-festivals and various other days to be mentioned afterwards; the 21st May (*agonalia*) is dedicated to his counterpart, the "bad Jovis" (*Vediovis*).

To Mars belongs the new-year of the 1st March, and generally the great warrior festival in this month which derived its very name from the god, this festival, introduced by the horse-racing (*equurria*) on the 27th February, had during March its principal solemnities on the days of the shield forger (*equurria* or *Mamuralia*, March 14), of the armed dance at the Comitium (*quinquatrus*, March 19), and of the consecration of trumpets (*tubilustrum* March 23). As, when a war was to be waged, it began with this festival, so after the close of the campaign in autumn there followed a further festival of Mars, that of the consecration of arms (*armilustrum*, October 19). Lastly, to the second Mars, Quirinus, the 17th February was appropriated (*Quirinalia*). Among the other festivals those which related to the culture of corn and wine hold the first place, while the pastoral feasts play but a subordinate part. To this class belongs especially the great series of spring festivals in April, in the course of which sacrifices were offered on the 15th to Tellus, the nourishing earth (*fordicidia*, sacrifice of the pregnant cow), on the 19th to Ceres, the goddess of germination and growth (*Cerialia*), on the 21st to Pales, the fecundating goddess of the flocks (*Palilia*), on the 23rd to Jupiter, as the protector of the vines and of the vats of the previous year's vintage which were first opened on this day (*Vinalia*), and on the 25th to the bad enemy of the crops, rust (*Robigus Robigalia*). So after the completion of the work of the fields and the fortunate ingathering of their produce twin festivals were celebrated in honour of the god and goddess of inbringing and harvest, Consus (from *condere*) and Ops, the first immediately after the completion of cutting (August 21, *Consualia*, August 25, *Opiconsiva*), and the second in the middle of winter, when the blessings of the granary are especially manifest (December 15, *Consualia*, December 19, *Opalia*), between these two latter days the thoughtful consideration of the old arrangers of the festivals inserted that of seed sowing (*Saturnalia* from *Sæturnus* or *Saturnus*, December 17). In like manner the festival of must or of healing (*meditrinalia*, October 11), so called because a healing virtue was attributed to the fresh must, was dedicated to Jovis as the wine-god after the completion of the vintage, the original reference of the third wine feast (*Vinalia*, August 19) is not clear. To these festivals were added at the close of the year the wolf festival (*Lupercalia*, February 17) of the shepherds in honour of the good god, Faunus, and the boundary stone festival (*Terminalia*, February 23) of the husbandmen, as also

the summer grove-festival of two days (*Lucaria*, July 19, 21) which may have referred to the forest-gods (*Silvani*), the fountain festival (*Pontinalia*, October 13), and the festival of the shortest day, which brings in the new sun (*An-geronalia*, *Divalia*, December 21).

Of not less importance—as was to be expected in the case of the port of Latium—were the mariner-festivals of the divinities of the sea (*Neptunalia*, July 23), of the harbour (*Portunalia*, August 17), and of the Tiber stream (*Volturnalia*, August 27).

Handicraft and art, on the other hand, are represented in this cycle of the gods only by the god of fire and of smith's work, Volcanus, to whom besides the day named after him (*Volcanalia*, August 23) the second festival of the consecration of trumpets was dedicated (*tubilustrium*, May 23), and perhaps also by the festival of Carmentis (*Carmentalia*, January 11, 15), who probably was adored originally as the goddess of spells and of song and only inferentially as protectress of births.

Domestic and family life in general were represented by the festival of the goddess of the house and of the spirits of the storechamber, Vesta and the Penates (*Vestalia*, June 9); the festival of the goddess of birth<sup>1</sup> (*Matralia*, June 11); the festival of the bearing of children, dedicated to Liber and Libera (*Liberalia*, March 17); the festival of departed spirits (*Feralia*, February 21), and the three days' ghost-celebration (*Lemuria*, May 9, 11, 13); while those having reference to civil relations were the two—otherwise to us somewhat obscure—festivals of the king's flight (*Regifugium*, February 24) and of the people's flight (*Poplifugia*, July 5), of which at least the last day was devoted to Jupiter, and the festival of the Seven Mounts (*Agonia* or *Septimontium*, December 11). A special day (*agonia*, January 9) was also consecrated to Janus, the god of beginning. The real nature of some other days—that of Furrina (July 25), and that of the Larentalia devoted to Jupiter and Acca Larentia, perhaps a feast of the Lares (December 23)—is no longer known.

This table is complete for the immovable public festivals; and—although by the side of these standing festal days there

<sup>1</sup> This was, to all appearance, the original nature of the "morning-mother" or *Mater matuta*; in connection with which we may recall the circumstance that, as the names *Lucius* and especially *Manius* show, the morning hour was reckoned as lucky for birth. *Mater matuta* probably became a goddess of sea and harbour only at a later epoch under the influence of the myth of Leucothea; the fact that the goddess was chiefly worshipped by women tells against the view that she was originally a harbour-goddess.

certainly occurred from the earliest times changeable and occasional festivals—this document, in what it says as well as in what it omits, opens up to us an insight into a primitive age otherwise almost wholly unknown. The union of the Old Roman community and the Hill Romans had indeed already taken place when this table of festivals was formed, for we find in it Quirinus alongside of Mars, but when this list was drawn up the Capitoline temple was not yet in existence, for Juno and Minerva are absent, nor was the temple of Diana erected on the Aventine, nor was any notion of worship borrowed from the Greeks.

The central object not only of Roman but of Italian worship generally in that epoch when the Italian stock still dwelt by itself in the peninsula was, according to all indications, the god Maurs or Mars, the killing god,<sup>1</sup> pre-eminently regarded as the divine champion of the burgesses, hurling the spear, protecting the flock, and overthrowing the foe. Each community of course had its own Mars, and deemed him to be the strongest and holiest of all, and accordingly every "*ver sacrum*" setting out to found a new community marched under the protection of its own Mars. To Mars was dedicated the first month not only in the Roman calendar of the months which in no other instance takes notice of the gods, but also probably in all the other Latin and Sabellian calendars. Among the Roman proper names, which in like manner contain no allusion to any other god, Marcus, Mamercus, and Mamurius appear in prevailing use from very early times, with Mars and his sacred woodpecker was connected the oldest Italian prophecy, the wolf, the animal sacred to Mars, was the badge of the Roman burgesses, and such sacred national legends as the Roman imagination was able to produce referred exclusively to the god Mars and to his duplicate Quirinus. In the list of festivals certainly father Diovis—a purer and more civil than military reflection of the character of the Roman community—occupies a larger space than Mars, just as the priest of Jupiter has precedence over the two priests of the god of war, but the latter still plays a very prominent part in the list, and it is even quite likely that, when this arrangement of festivals was established, Jovis stood by the side of Mars like Ahuramazda by the side of Mithra, and that

<sup>1</sup> From *Maurs* which is the oldest form handed down by tradition there have been developed by different treatment of the *u* *Mars* *Mavors* *Mors* the transition to *o* (like *Paula* *Pola* and the like) appears also in the double form *Mar Mor* (comp. *Ma mŭrus*) alongside of *Mar Mar* and *Ma Mers*.

the worship of the warlike Roman community still really centred at this time in the martial god of death and his March festival, while it was not the "care-destroyer" afterwards introduced by the Greeks, but father Jovis himself, who was regarded as the god of the heart-gladdening wine.

It is no part of our present task to consider the Roman deities in detail; but it is important, even in an historical point of view, to call attention to the peculiar narrowness of conception and at the same time the deeply-rooted earnestness that marked the Roman faith. Abstraction and personification lay at the root of the Roman as well as of the Hellenic mythology: the Hellenic as well as the Roman god was originally suggested by some natural phenomenon or some mental conception, and to the Roman just as to the Greek every divinity appeared a person. This is evident from their apprehending the individual gods as male or female; from their style of appeal to an unknown deity,—“Be thou god or goddess, man or woman;” and from the deeply cherished belief that the name of the proper tutelary spirit of the community ought to remain for ever unpronounced, lest an enemy should come to learn it and calling the god by his name should entice him beyond the bounds. A remnant of this strongly sensuous view clung to Mars in particular, the oldest and most national form of divinity in Italy. But while abstraction, which lies at the foundation of every religion, elsewhere endeavoured to rise to wider and more enlarged conceptions and to penetrate ever more deeply into the essence of things, the forms of the Roman faith remained at, or sank to, a singularly low level of conception and of insight. While in the case of the Greek every important notion speedily expanded into a group of forms and gathered around it a circle of legends and ideas, in the case of the Roman the fundamental thought remained stationary in its original naked rigidity. The religion of Rome had nothing of its own presenting even a remote resemblance to the religion of Apollo investing earthly morality with a halo of glory, to the divine intoxication of Dionysus, or to the Chthonian and mystical worships with their profound and hidden meanings. It had indeed its “bad god” (*Ve-diovís*), its apparitions and ghosts (*lemures*), and its deities of foul air, of fever, of diseases, perhaps even of theft (*laverna*); but it was unable to excite that mysterious awe after which the human heart has always a longing, or thoroughly to incorporate the incomprehensible and even the malignant elements in nature and in man, which must not be wanting in religion if it would reflect man as a whole. In

the religion of Rome there was hardly anything secret except the names of the gods of the city, the Penates, the real character, moreover, even of these gods was manifest to every one.

The national Roman theology sought on all hands to form distinct conceptions of important phenomena and qualities, to express them in its terminology, and to classify them systematically—in the first instance according to that division of persons and things which also formed the basis of private law—that it might thus be able in due fashion to invoke the gods individually or by classes, and to point out (*indigare*) to the multitude the modes of appropriate invocation. Of such notions, the products of outward abstraction—of the homeliest simplicity, sometimes venerable, sometimes ridiculous—Roman theology was in substance made up. Conceptions such as sowing (*saetivus*) and field-labour (*ops*), ground (*tellus*) and boundary stone (*terminus*), were among the oldest and most sacred of Roman divinities. Perhaps the most peculiar of all the forms of deity in Rome, and probably the only one for whose worship there was devised an effigy peculiarly Italian, was the double-headed Ianus, and yet it was simply suggestive of the idea so characteristic of the scrupulous spirit of Roman religion, that at the commencement of every act the “spirit of opening” should first be invoked, while it above all betokened the deep conviction that it was as indispensable to combine the Roman gods in sets as it was necessary that the more personal gods of the Hellenes should stand singly and apart.<sup>1</sup> Of all the worships of Rome that which perhaps had the deepest hold was the worship of the tutelary spirits that presided in and over the household and the storechamber. These were in public worship Vesta and the Penates, in family worship the gods of forest and field, the Silvani, and especially the gods of the household in its strict sense, the Lares or Lares, to whom their share of the family meal was regularly assigned, and before whom it was,

<sup>1</sup> The facts, that gates and doors and the morning (*ianus matutinus*) were sacred to Ianus and that he was always invoked before any other god and was even represented in the series of coins before Jupiter and the other gods indicate unmistakably that he was the abstraction of opening and beginning. The double head looking both ways was connected with the gate that opened both ways. To make him god of the sun and of the year is the less justifiable because the month that bears his name was originally the eleventh not the first, that month seems rather to have derived its name from the circumstance that at this season after the rest of the middle of winter the cycle of the labours of the field began afresh. It was, however, a matter of course that the opening of the year should also be included in the sphere of Ianus, especially after Ianuarius came to be placed at its head.

even in the time of Cato the Elder, the first duty of the father of the household on returning home to perform his devotions. In the ranking of the gods, however, these spirits of the house and of the field occupied the lowest rather than the highest place; it was—and it could not be otherwise with a religion which renounced all attempts to idealise—not the broadest and most general, but the simplest and most individual abstraction, in which the pious heart found most nourishment.

This indifference to ideal elements in the Roman religion was accompanied by a practical and utilitarian tendency, as is clearly enough apparent in the table of festivals which has been already explained. Increase of substance and of prosperity by husbandry and the rearing of flocks and herds, by seafaring and commerce—this was what the Roman desired from his gods; and it very well accords with this view, that the god of good faith (*deus fidius*), the goddess of chance and good luck (*fors fortuna*), and the god of traffic (*mercurius*), originating out of their daily dealings, although not occurring in that ancient table of festivals, appear very early as adored far and near by the Romans. Strict frugality and mercantile speculation were rooted in the Roman character too deeply not to find their thorough reflection in its divine counterpart.

Respecting the world of spirits little can be said. The departed souls of mortal men, the “good” (*manes*), continued to exist as shades haunting the spot where the body reposed (*dii inferi*), and received meat and drink from the survivors. But they dwelt in the depths beneath, and there was no bridge that led from the lower world either to men ruling on earth or upward to the gods above. The hero-worship of the Greeks was wholly foreign to the Romans, and the late origin and poor invention of the legend as to the foundation of Rome are shown by the thoroughly unRoman transformation of king Romulus into the God Quirinus. Numa, the oldest and most venerable name in Roman tradition, never received the honours of a god in Rome as Theseus did in Athens.

The most ancient priesthoods in the community bore reference to Mars; especially the priest of the god of the community, nominated for life, “the kindler of Mars” (*flamen Martialis*) as he was designated from presenting burnt-offerings, and the twelve “leapers” (*salii*), a band of young men who in March performed the war-dance in honour of Mars and accompanied it by song. We have already explained (p. 84) how the amalgamation of the Hill-community with that of the Palatine gave

rise to the duplication of the Roman Mars, and thereby to the introduction of a second priest of Mars—the *flamen Quirinalis*—and a second guild of dancers—the *salii collini*.

To these were added other public worships (some of which probably had an origin far earlier than that of Rome), for which either single priests were appointed—as those of Carmentis, of Vulcanus, of the god of the harbour and the river—or the celebration of which was committed to particular colleges or clans in name of the people. Such a college was probably that of the twelve “field brethren” (*fratres arvales*) who invoked the creative goddess (*dea dia*) in May to bless the growth of the seed, although it is very doubtful whether they enjoyed at this period the peculiar consideration which we find subsequently accorded to them in the time of the empire. These were accompanied by the Titian brotherhood, which had to preserve and to attend to the distinctive *cultus* of the Roman Tities (p. 43), and by the thirty “curial kindlers” (*flamines curiales*), instituted for the hearths of the thirty curies. The “wolf festival” (*lupercalia*) already mentioned was celebrated for the protection of the flocks and herds in honour of the “favourable god” (*faunus*), by the Quinctian clan and the Fabii who were associated with them after the admission of the Hill Romans, in the month of February—a genuine shepherds’ carnival, in which the “wolves” (*luperci*) jumped about naked with a girdle of goatskin, and whipped the people with thongs. In like manner the community may be conceived as represented and participating in the case of other gentile worships.

To this earliest worship of the Roman community new rites were gradually added. The most important of these worships had reference to the city as newly united and virtually founded afresh by the construction of the great wall and stronghold. In it the highest and best Iovis of the Capitol—the genius of the Roman people—was placed at the head of all the Roman divinities, and his “kindler” thenceforth appointed, the *flamen Dialis*, formed in conjunction with the two priests of Mars the sacred triad of high priests. Contemporaneously began the *cultus* of the new single city hearth—Vesta—and the kindred *cultus* of the Penates of the community (p. 111). Six chaste virgins, daughters as it were of the household of the Roman people, attended to that pious service, and had to maintain the wholesome fire of the common hearth always blazing as an example (p. 34) and an omen to the burgesses. This worship, half domestic, half public, was the most sacred of all in <sup>R</sup>

and it accordingly was the latest of all the heathen worships there to give way before the ban of Christianity. The Aventine, moreover, was assigned to Diana as the representative of the Latin confederacy (p. 106), but for that very reason no special Roman priesthood was appointed for her; and the community gradually became accustomed to render definite homage to numerous other deified abstractions by means of general festivals or by representative priesthoods specially destined for their service; in particular instances—such as those of the goddess of flowers (*Flora*) and of fruits (*Pomona*)—it appointed also special *flamines*, so that the number of these was at length fifteen. But among them they carefully distinguished those three great kindlers (*flamines maiores*), who down to the latest times could only be taken from the ranks of the old burgesses, just as the old incorporations of the Palatine and Quirinal *Salii* always asserted precedence over all the other colleges of priests. Thus the necessary and stated observances due to the gods of the community were entrusted once for all by the state to fixed corporations or regular ministers; and the expense of sacrifices, which was probably not inconsiderable, was covered partly by the assignation of certain lands to particular temples, partly by the fines (pp. 73, 154).

It cannot be doubted that the public worship of the other Latin, and probably also of the Sabellian, communities was essentially similar in character. At any rate it can be shown that the *Flamines*, *Salii*, *Luperci*, and *Vestales* were institutions not special to Rome, but general among the Latins, and at least the first three colleges appear to have been formed in the kindred communities independently of the Roman model.

Lastly, as the state made arrangements in reference to its own gods, so each burgess might make similar arrangements in his individual sphere, and might not only present sacrifices, but might also consecrate set places and ministers, to his own divinities.

There was thus enough of priesthood and of priests in Rome. Those, however, who had business with a god resorted to the god, and not to the priest. Every suppliant and inquirer addressed himself directly to the divinity—the community of course by the king as its mouthpiece, just as the *curia* by the *curio* and the *equites* by their colonels; no intervention of a priest was allowed to conceal or to obscure this original and simple relation. But it was no easy matter to hold converse with a god. The god had his own way of speaking, which was

intelligible only to those acquainted with it; but one who did rightly understand it knew not only how to ascertain, but also how to manage, the will of the god, and even in case of need to overreach or to constrain him. It was natural, therefore, that the worshipper of the god should regularly consult such men of skill and listen to their advice; and thence arose the corporations or colleges of men specially skilled in religious lore, a thoroughly national Italian institution, which had a far more important influence on political development than the individual priest or priesthoods. These colleges have been often, but erroneously, confounded with the priesthoods. The priesthoods were charged with the worship of a specific divinity; the skilled colleges, on the other hand, were charged with the preservation of traditional rules regarding those more general religious observances, the proper fulfilment of which implied a certain amount of information and rendered it necessary that the state in its own interest should provide for the faithful transmission of that information. These close corporations supplying their own vacancies, of course from the ranks of the burgesses, became in this way the depositories of skilled arts and sciences.

Under the Roman constitution and that of the Latin communities in general there were originally but two such colleges; that of the augurs and that of the pontifices.<sup>1</sup> The six augurs were skilled in interpreting the language of the gods from the flight of birds; an art which was prosecuted with great earnestness and reduced to a quasi-scientific system. The five "bridge-builders" (*pontifices*) derived their name from their function, as

<sup>1</sup> The clearest evidence of this is the fact, that in the communities organised on the Latin scheme augurs and pontifices occur everywhere (e.g. Cic. *de Lege Agr.* ii 35, 96, and numerous inscriptions), but the other colleges do not. The former, therefore, stand on the same footing with the constitution of ten curies and the Flamines, Salii, and Luperci, as very ancient heirlooms of the Latin stock, whereas the *Duoviri sacris faciundis*, the *Fetiales*, and other colleges, like the thirty curies and the Servian tribes and centuries, originated in, and remained therefore confined to, Rome. But in the case of the second college—the pontifices—the influence of Rome probably led to the introduction of that name into the general Latin scheme instead of some earlier, perhaps more variable, designation, or—an hypothesis which philologically has much in its favour—*pons* originally signified not "bridge," but "way" generally, and *pontifex* therefore meant "constructor of ways."

The statements regarding the original number of the augurs in particular vary. The view that it was necessary for the number to be an odd one is refuted by Cic. (*de Lege Agr.* ii 35, 96); and Livy (x. 6) does not say so, but only states that the number of Roman augurs had to be divisible by three, and so must have had an odd number as its basis. According to Livy (I c.) the number was six down to the Ogulnian law, and the same is virtually affirmed by Cicero (*de Rep.* ii 9, 14) when he represents Romulus as instituting four, and Numa two, augural stalls.

sacred as it was politically important, of conducting the building and demolition of the bridge over the Tiber. They were the Roman engineers, who understood the mystery of measures and numbers; whence there devolved upon them also the duties of managing the calendar of the state, of proclaiming to the people the time of new and full moon and the days of festivals, and of seeing that every religious and every judicial act took place on the right day. As they had thus an especial supervision of all religious observances, it was to them in case of need—on occasion of marriage, testament, or *adrogatio*—that the preliminary question was addressed, whether the matter proposed did not in any respect offend against divine law; and it was they who fixed and promulgated the general exoteric precepts of ritual, which were known under the name of the “royal laws.” Thus they acquired (although not probably to the full extent till after the abolition of the monarchy) the general oversight of Roman worship and of whatever was connected with it—and what was there that was not so connected? They themselves described the sum of their knowledge as “the science of things divine and human.” In fact the rudiments of spiritual and temporal jurisprudence as well as of historical composition proceeded from this college. For the writing of history was associated with the calendar and the book of annals; and, as from the organisation of the Roman courts of law no tradition could originate in these courts themselves, it was necessary that the knowledge of legal principles and procedure should be traditionally preserved in the college of the pontifices, which alone was competent to give an opinion respecting court-days and questions of religious law.

By the side of these two oldest and most eminent corporations of men versed in spiritual lore may be to some extent ranked the college of the twenty state-heralds (*fetiales*, of uncertain derivation), destined as a living repository to preserve traditionally the remembrance of the treaties concluded with neighbouring communities, to pronounce an authoritative opinion on alleged infractions of treaty-rights, and in case of need to demand satisfaction and declare war. They had precisely the same position with reference to international, as the pontifices had with reference to religious, law; and were therefore, like the latter, entitled to point out the law, although not to administer it.

But in however high repute these colleges were, and important and comprehensive as were the functions assigned to

them, it was never forgotten—least of all in the case of those which held the highest position—that their duty was not to command, but to tender skilled advice, not directly to obtain the answer of the gods, but to explain the answer when obtained to the inquirer. The highest of the priests was not merely inferior in rank to the king, but might not even give advice to him unasked. It was the province of the king to determine whether and when he would take an observation of birds, the “bird seer” simply stood beside him and interpreted to him, when necessary, the language of the messengers of heaven. In like manner the Fetialis and the Pontifex could not interfere in matters of international or common law except when those concerned therewith desired it. The Romans, notwithstanding all their zeal for religion, adhered with unbending strictness to the principle that the priest ought to remain completely powerless in the state and—excluded from all command—ought like any other burgess to render obedience to the humblest magistrate.

The Latin worship was grounded mainly on man's enjoyment of earthly pleasures, and only in a subordinate degree on his fear of the wild forces of nature, it consisted pre eminently *therefore in expressions of joy, in lays and songs, in games and dances, and above all in banquets.* In Italy, as everywhere among agricultural tribes whose ordinary food consists of vegetables, the slaughter of cattle was at once a household feast and an act of worship—a pig was the most acceptable offering to the gods, just because it was the usual roast for a feast. But all extravagance of expense as well as all excess of rejoicing was inconsistent with the solid character of the Romans. Frugality in relation to the gods was one of the most prominent traits of the primitive Latin worship, and the free play of imagination was repressed with iron severity by the moral self discipline which the nation maintained, so that the Latins remained strangers to the abominations which grow out of its unrestrained indulgence. At the very core of the Latin religion there lay that profound moral impulse which leads men to bring earthly guilt and earthly punishment into relation with the world of the gods, and to view the former as a crime against the gods, and the latter as its expiation. The execution of the criminal condemned to death was as much an expiatory sacrifice offered to the divinity as was the killing of an enemy in just war, the thief who by night stole the fruits of the field paid the penalty to Ceres on the gallows just as the enemy paid it to mother earth

and the good spirits on the field of battle. The profound and fearful idea of substitution also meets us here: when the gods of the community were angry and nobody could be laid hold of as definitely guilty, they might be appeased by one who voluntarily gave himself up (*devovere se*); noxious chasms in the ground were closed, and battles half lost were converted into victories, when a brave burgess threw himself as an expiatory offering into the abyss or upon the foe. The "sacred spring" was based on a similar view; all the offspring whether of cattle or of men within a specified period were presented to the gods. If acts of this nature are to be called human sacrifices, then such sacrifices belonged to the essence of the Latin faith; but we are bound to add that, far back as our view reaches into the past, this immolation, so far as life was concerned, was limited to the guilty who had been convicted before a civil tribunal, or to the innocent who voluntarily chose to die. Human sacrifices of a different description, which are inconsistent with the fundamental idea of a sacrificial act, and which, wherever they have occurred among the Indo-Germanic stocks at least, have been the offspring of later degeneracy and barbarism, never gained admission among the Romans; hardly in a single instance were superstition and despair induced, even in times of extreme distress, to seek an extraordinary deliverance through means so revolting. Comparatively slight traces are to be found among the Romans of belief in ghosts, fear of enchantments, or dealing in mysteries. Oracles and prophecy never acquired the importance in Italy which they obtained in Greece, and never were able to exercise a serious control over public or private life.

But on the other hand the Latin religion sank into a singular insipidity and dulness, and early became shrivelled into an anxious and dreary round of ceremonies. The god of the Italian was, as we have already said, above all things an instrument for helping him to the attainment of very substantial earthly objects; this turn was given to the religious views of the Italian by his tendency towards the palpable and the real, and is no less distinctly apparent in the saint-worship of the modern inhabitants of Italy. The gods confronted man just as a creditor confronted his debtor; each of them had a duly acquired right to certain performances and payments; and as the number of the gods was as great as the number of the incidents in earthly life, and the neglect or wrong performance of the worship of each god revenged itself in the corresponding incident, it was a laborious and difficult task even to gain a knowledge of one's

religious obligations, and the priests who were skilled in the law of divine things and pointed out its requirements—the *pontifices*—could not fail to attain an extraordinary influence. The upright man fulfilled the requirements of sacred ritual with the same mercantile punctuality with which he met his earthly obligations, and at times did more than was due if the god had done so on his part. Man even dealt in speculation with his god: a vow was in reality as in name a formal contract between the god and the man, by which the latter promised to the former for a certain service to be rendered a certain equivalent return, and the Roman legal principle that no contract could be concluded by deputy was not the least important of the reasons on account of which all priestly mediation was excluded from the religious concerns of man in Latium. Nay, as the Roman merchant was entitled, without injury to his conventional rectitude, to fulfil his contract merely in the letter, so in dealing with the gods according to the teaching of Roman theology the copy of an object was given and received instead of the object itself. They presented to the lord of the sky heads of onions and poppies, that he might launch his lightnings at these rather than at the heads of men. In payment of the offering annually demanded by father Tiber, thirty puppets plaited of rushes were annually thrown into the stream.<sup>1</sup> The ideas of divine mercy and placability were in these instances inseparably mixed up with a pious cunning, which tried to delude and to pacify so formidable a master by means of a sham satisfaction. The Roman fear of the gods accordingly exercised powerful influence over the minds of the multitude, but it was by no means that sense of awe in the presence of an all-controlling nature or of an almighty God, that lies at the foundation of the views of pantheism and monotheism respectively, on the contrary, it was of a very earthly character, and scarcely different in any material respect from the trembling with which the Roman debtor approached his just, but very strict and very powerful creditor. It is plain that such a religion was fitted rather to stifle than to foster artistic and speculative views. When the Greek had clothed the simple thoughts of primitive times with human flesh and blood, the ideas of the gods so formed not only became the elements of plastic and poetic art but acquired also that universality and elasticity which are the profoundest characteristics of human nature and for this very

<sup>1</sup> It is only an unreflecting misconception that can discover in this a reminiscence of ancient human sacrifices.

reason are essential to all religions that aspire to rule the world. Through such ideas the simple view of nature became expanded into the conception of a cosmogony, the homely moral notion became enlarged into a principle of universal humanity; and for a long period the Greek religion was enabled to embrace within it the physical and metaphysical views—the whole idea of the development of the nation—and to expand in depth and breadth with the increase of its contents, until imagination and speculation rent asunder the vessel which had nursed them. But in Latium the embodiment of the conceptions of deity continued so wholly transparent that it afforded no opportunity for the training either of artist or poet, and the Latin religion always held a distant and even hostile attitude towards art. As the god was not and could not be aught else than the spiritualisation of an earthly phenomenon, this same earthly counterpart naturally formed his place of abode (*templum*) and his image; walls and effigies made by the hands of men seemed only to obscure and to embarrass the spiritual conception. Accordingly the original Roman worship had no images of the gods or houses set apart for them; and although the god was at an early period worshipped in Latium, probably in imitation of the Greeks, by means of an image, and had a little chapel (*aedicula*) built for him, such a figurative representation was reckoned contrary to the laws of Numa and was generally regarded as an impure and foreign innovation. The Roman religion could exhibit no image of a god peculiar to it, with the exception, perhaps, of the double-headed Janus; and Varro even in his time derided the desire of the multitude for puppets and effigies. The utter want of productive power in the Roman religion was likewise the ultimate cause of the thorough poverty which always marked Roman poetry and still more Roman speculation.

The same distinctive character was manifest, moreover, in the domain of its practical use. The practical gain which accrued to the Roman community from their religion was a code of moral law gradually developed by the priests, and the *pontifices* in particular, side by side with the legal ordinances. This moral law on the one hand supplied the place of police regulations at a period when the state was still far from providing any direct police-guardianship for its citizens; and on the other hand it brought to the bar of the gods and visited with divine penalties the breach of those moral obligations which could not be reached at all, or could be but imperfectly enforced, by the law of the state. The regulations of the former class religiously

inculcated the due observance of holidays and the cultivation of the fields and vineyards according to the rules of good husbandry, which we shall have occasion to notice more fully in the sequel. To this class belonged also the worship of the hearth or of the Lares which was connected with considerations of sanitary police (p. 167), and above all the practice of burning the bodies of the dead, adopted among the Romans at a singularly early period, far earlier than among the Greeks—a practice implying a rational conception of life and of death, which was foreign to primitive times and is even foreign to ourselves at the present day. It must be reckoned no small achievement that the national religion of the Latins was able to carry out these and similar improvements. But the moral effect of this law was still more important. Under this head we might include the fact itself that every sentence, at least every capital sentence, was primarily conceived as the curse of the divinity offended by the crime. But not only did that curse accompany the judgment pronounced by the community; it also supplemented its deficiencies. If a husband sold his wife, or a father sold his married son; if a child struck his father, or a daughter-in-law her father-in-law; if a patron violated his obligation to keep faith with his guest or dependent, the civil law had no penalty for such outrages, but the burden of the curse of the gods lay thenceforth on the head of the offender. Not that the person thus accursed (*sacer*) was outlawed; such an outlawry, inconsistent in its nature with all civil order, was only an exceptional occurrence in Rome—an aggravation of the religious curse at the time of the quarrels between the orders. It was not the province of the civil authorities, still less of the individual burgess or of the wholly powerless priest, to carry into effect the divine curse; the life of the person accursed was forfeited not to men but to the gods. But the pious popular faith, on which that curse was based, must in earlier times have had power even over natures frivolous and wicked; and the moral agency of religion must have exercised an influence deeper and purer precisely because it was not contaminated by any appeal to the secular arm.

But it performed no higher service in Latium than the furtherance of civil order and morality by such means as these. In this field Hellas had an unspeakable advantage over Latium; it owed to its religion not merely its whole intellectual development, but also its national union, so far as such an union was attained at all; the oracles and festivals of the gods, Delphi and

Olympia, and the Muses, daughters of faith, were the centres round which revolved all that was great in Hellenic life and all in it that was the common heritage of the nation. And yet even here Latium had, as compared with Hellas, its own advantages. The Latin religion, reduced as it was to the level of ordinary perception, was completely intelligible to every one and accessible in common to all; and therefore the Roman community preserved the equality of its citizens, while Hellas, where religion rose to the level of the highest thought, had from the earliest times to endure all the blessing and curse of an aristocracy of intellect. The Latin religion like every other had its origin in the effort to fathom the abyss of thought; it is only to a superficial view, which is deceived as to the depth of the stream because it is clear, that its transparent spirit-world can appear to be shallow. This deeply-rooted faith disappeared with the progress of time as necessarily as the dew of morning disappears before the rising sun, and in consequence the Latin religion came at length to wither; but the Latins preserved their simplicity of faith longer than most peoples and longer especially than the Greeks. As colours are effects of light and at the same time dim it, so art and science are not merely the creations but also the destroyers of faith; and, much as this process at once of development and of destruction is swayed by necessity, by the same law of nature certain results have been reserved to the epoch of early simplicity—results which subsequent epochs make vain endeavours to attain. The mighty intellectual development of the Hellenes, which created their religious and literary unity (ever imperfect as that unity was), was the very thing that made it impossible for them to attain to a genuine political union; they sacrificed thereby the simplicity, the flexibility, the self-devotion, the power of amalgamation, which constitute the conditions of any such union. It is time therefore to desist from that childish view of history which believes that it can commend the Greeks only at the expense of the Romans, or the Romans only at the expense of the Greeks; and, as we allow the oak to hold its own beside the rose, so should we abstain from praising or censuring the two noblest organisations which antiquity has produced, and comprehend the truth that their distinctive excellences have a necessary connection with their respective defects. The deepest and ultimate reason of the diversity between the two nations lay beyond doubt in the fact that Latium did not, and that Hellas did, during the season of growth come into contact with the East. No people on earth

was great enough by its own efforts to create either the marvel of Hellenic or at a later period the marvel of Christian culture, history has produced these most brilliant results only where the ideas of Aramaic religion have sunk into an Indo Germanic soil. But if for this reason Hellas is the prototype of purely human, Latium is not less for all time the prototype of national development, and it is the duty of us their successors to honour both and to learn from both.

Such was the nature and such the influence of the Roman religion in its pure, unhampered, and thoroughly national development. Its national character was not infringed by the fact that, from the earliest times, modes and systems of worship were introduced from abroad, no more than the bestowal of the rights of citizenship on individual foreigners denationalised the Roman state. An exchange of gods as well as of goods with the Latins must have taken place as a matter of course, the transplantation to Rome of gods and worships belonging to less cognate races is more remarkable. Of the distinctive Sabine worship maintained by the Titians we have already spoken (p. 169). Whether any of their conceptions of the gods were borrowed from Etruria is more doubtful. For the Lases, the older designation of the genu (from *lascivus*) and Minerva the goddess of memory (*mens, menervare*), which have been usually described as originally Etruscan, were on the contrary, judging from philological grounds, indigenous to Latium. It is at any rate certain, and in keeping with all that we otherwise know of Roman intercourse, that the Greek worship received earlier and more extensive attention in Rome than any other of foreign origin. The Greek oracles furnished the earliest occasion of its introduction. The language of the Roman gods was wholly confined to Yea and Nay or at the most to the making their will known by the method of casting lots, which appears in its origin Italian,<sup>1</sup> while from very ancient times—although not apparently until the impulse was received from the East—the more talkative gods of the Greeks imparted actual utterances of prophecy. The Romans made efforts, even at an early period, to treasure up such counsels, and copies of the leaves of the soothsaying priestess of Apollo, the Cumaean Sibyl, were accordingly a high valued gift on the part of their Greek

<sup>1</sup> *Sors* from *serere* to place in a row. The *sortes* were probably small wooden tablets arranged upon a string which when thrown formed figures of various kinds, an arrangement which puts one in mind of the Runic characters.

guest-friends from Campania. For the reading and interpretation of the fortune-telling book a special college, inferior in rank only to the augurs and pontifices, was instituted in early times, consisting of two men of lore (*duoviri sacris faciundis*), who were furnished at the expense of the state with two slaves acquainted with the Greek language. To these custodiers of oracles the people resorted in cases of doubt, when an act of worship was needed in order to avoid some impending evil and they did not know to which of the gods or with what rites it was to be performed. But Romans in search of advice early betook themselves also to the Delphic Apollo himself. Besides the legends relating to such an intercourse already mentioned (p. 141), it is attested partly by the reception of the word *thesaurus* so closely connected with the Delphic oracle into all the Italian languages with which we are acquainted, and partly by the oldest Roman form of the name of Apollo, *Aperta*, the "opener," an etymological perversion of the Doric Apellon, the antiquity of which is betrayed by its very barbarism. The Greek Herakles was naturalised in Italy as Herclus, Hercoles, Hercules, at an early period and under a peculiar conception of his character, apparently in the first instance as the god of gains of adventure and of any extraordinary increase of wealth; for which reason the general was wont to present the tenth of the spoil which he had procured, and the merchant the tenth of the substance which he had obtained, to Hercules at the chief altar (*ara maxima*) in the cattle market. Accordingly he became the god of mercantile covenants generally, which in early times were frequently concluded at this altar and confirmed by oath, and in so far was identified with the old Latin god of good faith (*deus fidius*). The worship of Hercules was from an early date among the most widely diffused; he was, to use the words of an ancient author, adored in every hamlet of Italy, and altars were everywhere erected to him in the streets of the cities and along the country roads. The gods also of the mariner, Castor and Polydeukes, or among the Romans Pollux, the god of traffic Hermes—the Roman Mercurius, and the god of healing, Asklapios or Aesculapius, were early known to the Romans, although their public worship only began at a later period. The name of the festival of the "good goddess" (*bona dea*) *damium*, corresponding to the Greek *δάμιον* or *δήμιον*, may likewise reach back as far as this epoch. It must be the result also of ancient borrowing, that the old *Liber pater* of the Romans was afterwards conceived as "father deliverer"

and identified with the wine-god of the Greeks, the "releaser" (*Lyaeos*), and that the Roman god of the lower regions was called the "dispenser of riches" (*Pluto—Dis pater*), while his spouse Persephone became converted at once by change of the initial sound and by transference of the idea into the Roman Proserpina, that is, "germinatrix." Even the goddess of the Romano-Latin league, Diana of the Aventine, seems to have been copied from the federal goddess of the Ionians of Asia Minor, the Ephesian Artemis, at least her carved image in the Roman temple was formed after the Ephesian type (p 125). It was in this way alone, through the myths of Apollo, Dionysus, Pluto, Herakles, and Artemis which were early pervaded by Oriental ideas, that the Aramaic religion exercised at this period a remote and indirect influence on Italy. We clearly perceive from these facts that the introduction of the Greek religion was especially due to commercial intercourse—that it was traders and mariners who primarily brought the Greek gods to Italy.

These individual cases however of derivation from abroad were but of secondary moment, while the remains of the natural symbolism of primeval times, of which the legend of the oxen of Cacus may perhaps be a specimen (p 19) were verging on extinction. In all its leading features the Roman religion was an organic creation of the people among whom we find it.

The Sabellian and Umbrian worship, judging from the little we know of it, rested upon quite the same fundamental views as the Latin with local variations of colour and form. That it was different from the Latin is very distinctly apparent from the establishment of a special college at Rome for the preservation of the Sabine rites (p 48), but that very fact affords an instructive illustration of the nature of the difference. Observation of the flight of birds was with both stocks the regular mode of consulting the gods, but the Titians observed different birds from the Ramnian augurs. Similar relations present themselves, wherever we have opportunity of comparing them. Both stocks in common regarded the gods as abstractions of the earthly and as of an impersonal nature, they differed in expression and ritual. It was natural that these diversities should appear of importance to the worshippers of those days, we are no longer able to apprehend what was the characteristic distinction, if any really existed.

The remains of the sacred rites of the Etruscans that have reached us are marked by a different spirit. Their prevailing

characteristics are a gloomy and withal tir, and that solemn ringing the changes on numbers, soothsayingmes finds its own enthroning of pure absurdity which at all tting the Etruscan circle of devotees. We are far from knowe know the Latin; worship in such completeness and purity as wyell be doubted—and it is not improbable—indeed it cannot ved by the minute that several of its features were only introduomy and fantastic subtlety of a later period, and that the glooworship are those principles which were most alien to the Latin us by tradition. that have been especially handed down to ysticism and bar- But enough still remains to show that the m in the essential barism of this worship had their foundation character of the Etruscan people.

With our very unsatisfactory knowledge wee Etruscan. con- the intrinsic contrast subsisting between thar that the most ceptions of deity and the Italian; but it is cle malignant and prominent among the Etruscan gods were thding in particular the mischievous. Their worship was cruel, incluthey slaughtered the sacrifice of their captives; thus at Caere soners. Instead the Phocaeen, and at Tarquinii the Roman, priruling peacefully of a tranquil world of departed “good spirits” I conceived, the in the realms beneath, such as the Latins ha which the poor Etruscan religion presented a veritable hell, ind serpents, and souls were doomed to be tortured by mallets ar of the dead, a to which they were conveyed by the conductoings and a large savage semi-brutal figure of an old man with w the gladiatorial hammer—a figure which afterwards served in f the man who games at Rome as a model for the costume d. So fixed was removed the corpses of the slain from the arenathe shades, that the association of torture with this condition of it, which after there was even provided a redemption from oor soul to the certain mysterious offerings transferred the phat, in order to society of the gods above. It is remarkable t borrowed from people their lower world, the Etruscans early the doctrine of the Greeks their gloomiest notions, such as nt part in the Acheron and Charon, which play an importa Etruscan discipline.

But the Etruscan occupied himself above aheard the voice pretation of signs and portents. The Romans rstood only the of the gods in nature; but their bird-seer underal whether the signs in their simplicity, and knew only in geneif the ordinary occurrence boded good or ill. Disturbances og evil, and put course of nature were regarded by him as bodin



come into being, so was it again to pass away after the expiry of a definite period of time, whose sections were the *saecula*. Respecting the intellectual value which may once have belonged to this Etruscan cosmogony and philosophy, it is difficult to form a judgment; they appear however to have been from the very first characterised by a dull fatalism and an insipid play upon numbers.

## CHAPTER XIII

### AGRICULTURE, TRADE, AND COMMERCE

AGRICULTURE and commerce are so intimately bound up with the constitution and the external history of states, that the former must frequently be noticed in the course of describing the latter. We shall here endeavour to supplement the detached notices which we have already given, by exhibiting a summary view of Italian and particularly of Roman economics.

It has been already observed (p. 19) that the transition from a pastoral to an agricultural economy preceded the immigration of the Italians into the peninsula. Agriculture continued to be the main support of all the communities in Italy, of the Sabelians and Etruscans no less than of the Latins. There were no purely pastoral tribes in Italy during historical times, although of course the various races everywhere combined pastoral husbandry, to a greater or less extent according to the nature of the locality, with the cultivation of the soil. The beautiful custom of commencing the formation of new cities by tracing a furrow with the plough along the line of the future ring-wall shows how deeply rooted was the feeling that every common wealth is dependent on agriculture. In the case of Rome in particular—and it is only in its case that we can speak of agrarian relations with any sort of certainty—the Servian reform shows very clearly not only that the agricultural class originally preponderated in the state, but also that an effort was made permanently to maintain the body of freeholders as the pith and marrow of the community. When in the course of time a large portion of the landed property in Rome had passed into the hands of non-burgesses and thus the rights and duties of burgesses were no longer bound up with freehold property, the reformed constitution obviated this incongruous state of things, and the perils which it threatened, not merely temporarily but permanently, by dividing once for all the members of the community without reference to their political position into “freeholders” (*assidui*) and “producers of children” (*proletarii*), and imposing on the former the public burdens—a step

which in the natural course of things could not but be speedily followed by the concession of public rights. The whole policy of Roman war and conquest rested, like the constitution itself, on the basis of the freehold system; as the freeholder alone was of value in the state, the aim of war was to increase the number of its freehold members. The vanquished community was either compelled to merge entirely into the yeomanry of Rome, or, if not reduced to this extremity, it was required, not to pay a war-contribution or a fixed tribute, but to cede a portion (usually a third part) of its domain, which was thereupon regularly occupied by Roman farms. Many nations have gained victories and made conquests as the Romans did; but none has equalled the Roman in thus making the ground he had won his own by the sweat of his brow, and in securing by the ploughshare what had been gained by the lance. That which is gained by war may be wrested from the grasp by war again, but it is not so with the conquests made by the plough; while the Romans lost many battles, they scarcely ever on making peace ceded Roman soil, and for this result they were indebted to the tenacity with which the farmers clung to their fields and homesteads. The strength of man and of the state lies in their dominion over the soil; the greatness of Rome was built on the most extensive and immediate mastery of her citizens over her soil, and on the compact unity of the body which thus acquired so firm a hold.

We have already indicated (pp. 36, 67) that in the earliest times the arable land was cultivated in common, probably by the several clans; each clan tilled its own land, and thereafter distributed the produce among the several households belonging to it. There exists indeed an intimate connection between the system of joint tillage and the clan form of society, and even subsequently in Rome joint residence and joint management were of very frequent occurrence in the case of co-proprietors.<sup>1</sup> Even the traditions of Roman law furnish the information that wealth consisted at first in cattle and the usufruct of the soil,

<sup>1</sup> The system which we meet with in the case of the Germanic joint tillage, combining a partition of the land in property among the clansmen with its joint cultivation by the clan, can hardly ever have existed in Italy. Had each clansman been regarded in Italy, as among the Germans, in the light of proprietor of a particular spot in each portion of the collective domain that was marked off for tillage, the separate husbandry of later times would probably have set out from a minute subdivision of hides. But the very opposite was the case; the individual names of the Roman hides (*fundus Cornelianus*) show clearly that the Roman proprietor owned from the beginning a possession not broken up but united.

and that it was not till later that land came to be distributed among the burgesses as their own special property.<sup>1</sup> Better evidence that such was the case is afforded by the earliest designation of wealth as "cattle-stock" or "slave-and-cattle-stock" (*pecunia, familia pecuniæque*), and of the separate possessions of the children of the household and of slaves as "small cattle" (*peculium*), also by the earliest form of acquiring property, the laying hold of it with the hand (*manipatio*), which was only appropriate to the case of movable articles (p. 153), and above all by the earliest measure of "land of one's own" (*heredium*, from *herus* lord), consisting of two *jugera* (about an acre and a quarter), which can only have applied to garden-ground, and not to the hide.<sup>2</sup> When and how the dis-

<sup>1</sup> Cicero (*de Rep.* ii. 9, 14, comp. Plutarch *Q. Rom.* 15) states *Tum (in the time of Romulus) erat res in pecore et locorum possessionibus, ex quo pecuniosi et locupletes vocabantur—(Numa) primum agros, quos bellum Romulus ceperat, divisit virilium civibus*. In like manner Dionysius represents Romulus as dividing the land into thirty curial districts, and Numa as establishing boundary stones and introducing the festival of the *Terminalia* (i. 7, ii. 74, and thence Plutarch, *Numa* 16).

<sup>2</sup> Since this assertion still continues to be disputed, we shall let the numbers speak for themselves. The Roman writers on agriculture of the later republic and the imperial period reckon on an average five *modi* of wheat as sufficient to sow a *jugerum*, and the produce as fivefold. The produce of a *heredium* accordingly (even when without taking into view the space occupied by the dwelling house and farm yard we regard it as entirely arable land, and make no account of years of fallow) amounts to fifty, or deducting the seed forty, *modi*. For an adult hard working slave Cato (c. 56) reckons fifty one *modi* of wheat as the annual consumption. These data enable any one to answer for himself the question whether a Roman family could or could not subsist on the produce of a *heredium*. This result is not shaken by reckoning up the subsidiary produce yielded by the arable land itself and by the common pasture, such as figs vegetables milk, flesh (especially as derived from the ancient and zealously pursued rearing of swine), etc., for the Roman pastoral husbandry, though not in the older time unimportant, was yet of subordinate importance, and grain notoriously formed the chief substance of the people, nor is it much affected by the boasted thoroughness of the older cultivation.

By assuming indeed that the return was on an average not fivefold but tenfold and taking into account the after crop of the arable land and the fig harvest a very considerable increase of the gross produce will no doubt be obtained—and it has never been denied that the farmers of this period drew a larger produce from their lands than the great landholders of the later republic and the empire obtained (p. 34), but moderation must be exercised in forming such estimates because we have to deal with a question of averages and with a mode of husbandry conducted neither methodically nor with much capital, and in no case can the enormous deficit, which is left according to those estimates between the produce of the *heredium* and the requirements of the household, be covered by mere superiority of cultivation. The attempted counter proof goes astray when it relies on the arguments that the slave of later times subsisted more exclusively on corn than the free farmer of the earlier epoch, and that the assumption of a fivefold return is too low for this epoch. Both assumptions really lie at the foundation of the view here given. The counter proof can

tribution of the arable land took place, can no longer be ascertained. This much only is certain, that the oldest form of the constitution was based not on freehold-tenure, but on clan-ship as a substitute for it, whereas the Servian constitution presupposes the distribution of the land. It is evident from the same constitution that the great bulk of the landed property consisted of middle-sized farms, which provided work and subsistence for a family and admitted of the keeping of cattle for tillage as well as of the application of the plough. The ordinary extent of such a Roman full hide has not been ascertained with precision, but can scarcely, as has already been shown (p. 97), be estimated at less than twenty jugera (12½ acres nearly).

Their husbandry was mainly occupied with the culture of the cereals. The usual grain was spelt (*far*);<sup>1</sup> but different kinds of pulse, roots, and vegetables were also diligently cultivated.

only be regarded as successful when it shall have produced a methodical calculation based on rural economics, according to which among a population chiefly subsisting on vegetables the produce of a piece of land of an acre and a quarter shall be proved sufficient on an average for the subsistence of a family.

It is indeed asserted that instances occur of colonies with allotments of two *jugera* founded even in historical times; but the only instance of the kind (Liv. iv. 47) is that of the colony of Labici in the year 336—an instance, which will certainly not be reckoned (by such scholars as are worth the arguing with) to belong to the class of traditions that are trustworthy in their historical details, and which is beset by other very serious difficulties (see book ii. ch. 5, note). It is no doubt true that in the non-colonial assignation of land to the burgesses collectively (*adsignatio viri-tana*) sometimes only a few *jugera* were granted (as e.g. Liv. viii. 11, 21). In these cases however it was not the intention to create new farms with the allotments, but, on the contrary, as a rule, the intention was to add to the existing farms new parcels from the conquered lands (comp. C.I.L. i. p. 88). At any rate, any supposition is better than an hypothesis which requires us to believe as it were in a miraculous multiplication of the food of the Roman household. The Roman farmers were far less modest in their requirements than their historiographers. They conceived, as has been already stated (p. 97), that they could not subsist even on allotments of seven *jugera* yielding a produce of one hundred and forty *modii*.

<sup>1</sup> Perhaps the latest, although probably not the last, attempt to prove that a Latin farmer's family might have subsisted on two *jugera* of land, finds its chief support in the argument that Varro (*de R.R.* i. 44, 1), reckons the seed requisite for the *jugerum* at five *modii* of wheat but ten *modii* of spelt, and estimates the produce as corresponding to this, whence it is inferred that the cultivation of spelt yielded a produce, if not double, at least considerably higher than that of wheat. But the converse is more correct, and the nominally higher quantity sown and reaped is simply to be explained by the fact that the Romans sowed and garnered the wheat already shelled, but the spelt still in the husk (Pliny, *H. N.*, xviii. 7, 61), which in this case was not separated from the fruit by threshing. For the same reason spelt is at the present day sown twice as thickly as wheat, and gives a produce twice as great by measure, but less than that of wheat after deduction of the husks. According to Würtemberg estimates

That the culture of the vine was not introduced for the first time into Italy by Greek settlers (p. 19), is shown by the list of the festivals of the Roman community which reaches back to a time preceding the Greeks, and which presents three wine-festivals to be celebrated in honour of "father Iovis, not in honour of the wine-god of more recent times who was borrowed from the Greeks, the "father deliverer" (*Liber*). The very ancient legend which represents Mezentius king of Caere as levying a wine-tax from the Latins or the Rutuli, and the various versions of the widely-spread Italian story which affirms that the Celts were induced to cross the Alps in consequence of their coming to the knowledge of the noble fruits of Italy, especially of the grape and of wine, are indications of the pride of the Latins in their glorious vine, the envy of all their neighbours. A careful system of vine-husbandry was early and generally inculcated by the Latin priests. In Rome the vintage did not begin until the supreme priest of the community, the *flamen* of Jupiter, had granted permission for it and had himself made a beginning, in like manner a Tusculan ordinance forbade the sale of new wine, until the priest had proclaimed the festival of opening the casks. The early prevalence of the culture of the vine is likewise attested not only by the general adoption of wine-libations in the sacrificial ritual, but also by the precept of the Roman priests promulgated as a law of king Numa, that men should present in libation to the gods no wine obtained from uncut grapes, just as, to introduce the beneficial practice of drying the grain, they prohibited the offering of grain undried

furnished to me by G. Hannsen, the average produce of the Württemberg *morgen* is reckoned in the case of wheat (with a sowing of  $\frac{1}{2}$  to  $\frac{1}{3}$  *scheffel*) at 3 *scheffel* of the medium weight of 275 lbs (= 825 lbs), in the case of spelt (with a sowing of  $\frac{1}{2}$  to  $1\frac{1}{2}$  *scheffel*) at least 7 *scheffel* of the medium weight of 150 lbs (= 1050 lbs), which are reduced by shelling to about 4 *scheffel*. Thus spelt compared with wheat yields in the gross more than double, with equally good soil perhaps triple the crop—but by specific weight—before the shelling not much above, after shelling (as kernel) less than, the half. It was not by mistake as has been asserted but because it was fitting in computations of this sort to start from estimates of a like nature handed down to us that the calculation instituted above was based on wheat. It may stand because when transferred to spelt it does not essentially differ and the produce rather falls than rises. Spelt is less nice as to soil and climate and exposed to fewer risks than wheat—but the latter yields on the whole, especially when we take into account the not inconsiderable expenses of shelling, a higher net produce (on an average of fifteen years in the district of Frankenthal in Rhenish Bavaria the *malter* of wheat stands at 11 *gulden* 3 *krz* the *malter* of spelt at 4 *gulden* 30 *krz*), and, as in South Germany where the soil admits the growing of wheat is preferred and generally with the progress of cultivation comes to supersede that of spelt so the analogous transition of Italian agriculture from the culture of spelt to that of wheat was undeniably a progress.

The culture of the olive was of later introduction, and certainly was first brought to Italy by the Greeks.<sup>1</sup> The olive is said to have been first planted in the countries of the western Mediterranean towards the close of the second century of the city; and this view accords with the fact that the olive-branch and the olive occupy in the Roman ritual a place very subordinate to the juice of the vine. The esteem in which both noble trees were held by the Romans is shown by the rearing of a vine and of an olive-tree in the middle of the Forum, not far from the Curtian lake.

The principal fruit-tree planted was the nutritious fig, which was probably a native of Italy. The legend of the origin of Rome wove its threads closely around the old fig-trees, several of which stood on the Palatine and in the Roman Forum.<sup>2</sup>

The farmer and his sons guided the plough, and performed generally the necessary labours of husbandry: it is not probable that slaves or free day-labourers were regularly employed in the work of the ordinary farm. The plough was drawn by the ox or by the cow; horses, asses, and mules served as beasts of burden. The rearing of cattle for the sake of meat or of milk did not exist at all as a distinct branch of husbandry, or was prosecuted only to a very limited extent, at least on land which remained the property of the clan; but, in addition to the smaller cattle which were driven out together to the common pasture, swine and poultry, particularly geese, were kept upon the farm. As a general rule, there was no end of ploughing and re-ploughing: a field was reckoned imperfectly tilled, in which the furrows were not drawn so close that harrowing could be dispensed with; but the method of culture was more earnest than intelligent, and no improvement took place in the defective plough or in the imperfect processes of reaping and of thrashing. This result is probably attributable rather to the scanty development of rational mechanics than to the obstinate clinging of the farmers to use and wont; for mere kindly attachment to the system of tillage transmitted with the patrimonial soil was far from influencing the practical Italian, and obvious improvements in agriculture, such as the cultivation of fodder-plants and the irrigation of meadows, were probably adopted from

<sup>1</sup> *Oleum* and *oliva* are derived from *ἐλαιον*, *ἐλαια*, and *amurca* (oil-lees) from *ἀμόργη*.

<sup>2</sup> But there is no proper authority for the statement that the fig-tree which stood in front of the temple of Saturn was cut down in the year 260 (Plin. *H. N.*, xv. 18, 77); the date CCLX. is wanting in all good manuscripts, and has been interpolated, probably with reference to Liv. ii. 21.

neighbouring peoples or independently developed by themselves at an early period—Roman literature itself in fact began with the discussion of the theory of agriculture. Welcome rest followed diligent and judicious labour, and here too religion asserted her right to soothe the toils of life even to the humblest by pauses of refreshment and of greater freedom of movement. Four times a month, and therefore on an average every eighth day (*nonae*), the farmer went to town to buy and sell and transact his other business. But rest from labour, in the strict sense, took place only on the several festival days, and especially in the holiday month after the completion of the winter sowing (*feriae sementivae*) during these set times the plough rested by command of the gods, and not the farmer only, but also his slave and his ox, reposed in holiday idleness.

Such, probably, was the way in which the ordinary Roman farm was cultivated in the earliest times. The next heirs had no protection against bad management except the right of having the spendthrift who squandered his inherited estate placed under wardship like a lunatic (p. 152). Women more over were in substance divested of their personal right of disposal, and, if they married, a member of the same clan was ordinarily assigned as husband, in order to retain the estate within the clan. The law sought to check the overburdening of landed property with debt partly by ordaining, in the case of a debt secured over the land, the immediate transference of the ownership of the object pledged from the debtor to the creditor, partly, in the case of a simple loan, by the rigour of the proceedings in execution which speedily led to actual bankruptcy, the latter means however, as the sequel will show, attained its object but very imperfectly. No restriction was imposed by law on the free divisibility of property. Desirable as it might be that co heirs should remain in the undivided possession of their heritage, even the oldest law was careful to keep the power of dissolving such a partnership open at any time to any partner, it was good that brethren should dwell together in peace, but to compel them to do so was foreign to the liberal spirit of Roman law. The Servian constitution moreover shows that even in the regal period of Rome there were not wanting small cottagers and garden proprietors, with whom the mattock took the place of the plough. It was left to custom and the sound sense of the population to prevent excessive subdivision of the soil, and that their confidence in this respect was not misplaced and the landed estates ordinarily remained entire, is proved by the

universal Roman custom of designating them by permanent individual names. The community exercised only an indirect influence in the matter by the sending forth of colonies, which regularly led to the establishment of a number of new full hides, and frequently perhaps also to the suppression of a number of minor holdings, the small landholders being sent forth as colonists.

It is far more difficult to perceive how matters stood with landed property on a larger scale. The fact that such larger properties existed to no inconsiderable extent, cannot be doubted from the position of the *equites* in the Servian constitution, and may be easily explained partly by the distribution of the clan-lands, which of itself must have produced a class of larger landholders in consequence of the necessary inequality in the numbers of the persons included in the several clans and participating in the distribution, and partly by the abundant influx of mercantile capital to Rome. But farming on a large scale in the proper sense, implying a considerable establishment of slaves, such as we afterwards meet with at Rome, cannot be supposed to have existed during this period. On the contrary to this period we must refer the ancient definition, which represents the senators as called fathers from the fields which they parcelled out among the common people as a father among his children; and originally the landowner must have distributed that portion of his land which he was unable to farm in person, or even his whole estate, into little parcels among his dependents to be cultivated by them, as is the general practice in Italy at the present day. The recipient might be the house-child or slave of the granter; if he was a free man, his position was that which subsequently went by the name of "occupancy on sufferance" (*precarium*). The recipient retained his occupancy during pleasure, and had no legal means of protecting himself in possession; on the contrary the granter could eject him at any time when he pleased. The relation did not necessarily involve any payment on the part of the person who had the usufruct of the soil to its proprietor; but such a payment beyond doubt frequently took place and, it is probable, consisted ordinarily in the delivery of a portion of the produce. The relation in this case approximated to the lease of subsequent times, but remained always distinguished from it partly by the absence of a term for its expiry, partly by its non-actionable character on either side and the legal protection of the claim for rent depending entirely on the lessor's right of ejection. It

is plain that it was essentially a relation based on mutual fidelity, which could not subsist without the help of the powerful sanction of custom consecrated by religion, and this was not wanting. The institution of clientship, altogether of a moral religious nature, beyond doubt rested fundamentally on this assignation of the profits of the soil. Nor was the introduction of such an assignation dependent on the abolition of the system of common tillage, for, just as after this abolition the individual, so previous to it the clan might grant to dependents a joint use of its lands, and beyond doubt with this very state of things was connected the fact that the Roman clientship was not personal, but that from the outset the client along with his clan entrusted himself for protection and fealty to the patron and his clan. This earliest form of Roman landholding serves to explain how there sprang from the great landlords in Rome a landed, and not an urban, nobility. As the pernicious institution of middlemen remained foreign to the Romans, the Roman landlord found himself not much less chained to his land than was the tenant and the farmer, he inspected and took part in everything himself, and the wealthy Roman esteemed it his highest praise to be reckoned a good landlord. His house was on his land, in the city he had only a lodging for the purpose of attending to his business there, and perhaps of breathing the purer air that prevailed there during the hot season. Above all however these arrangements furnished a moral basis for the relation between the upper class and the common people, and so materially lessened its dangers. The free tenants-on sufferance, sprung from families of decayed farmers, dependents, and freedmen, formed the great bulk of the proletariat (p. 88), and were not much more dependent on the landlord than the petty temporary tenant inevitably is with reference to the great proprietor. The slaves tilling the fields for a master were beyond doubt far less numerous than the free tenants. In all cases where an immigrant nation has not at once reduced to slavery a population *en masse*, slaves seem to have existed at first only to a very limited amount, and consequently free labourers seem to have played a very different part in the state from that in which they subsequently appear. In Greece "day labourers" (*thetes*) in various instances during the earlier period occupy the place of the slaves of a later age, and in some communities, among the Locrians for instance, there was no slavery down to historical times. Even the slave, moreover, was ordinarily of Italian descent, the Volscian, Sabine, or Etruscan war captive

must have stood in a different relation towards his master from the Syrian and the Celt of later times. Besides as a tenant he had in fact, though not in law, land and cattle, wife and child, as the landlord had, and after manumission was introduced (p. 156) there was a possibility, not remote, of working out his freedom. If such then was the footing on which landholding on a large scale stood in the earliest times, it was far from being a manifest evil in the commonwealth; on the contrary it was of most material service to it. Not only did it provide subsistence, although scantier upon the whole, for as many families in proportion as the intermediate and smaller properties; but the landlords moreover, occupying a comparatively elevated and free position, supplied the community with its natural leaders and rulers, while the agricultural and unpropertied tenants-on-sufferance furnished the genuine material for the Roman policy of colonisation, without which it never would have succeeded; for while the state may furnish land to him who has none, it cannot impart to one who knows nothing of agriculture the spirit and the energy to wield the plough.

Ground under pasture was not affected by the distribution of the land. The state, and not the clanship, was regarded as the owner of the common pastures. It made use of them in part for its own flocks and herds, which were intended for sacrifice and other purposes and were always kept up by means of the cattle-fines; and it gave to the possessors of cattle the privilege of driving them out upon the common pasture for a moderate payment (*scriptura*). The right of pasturage on the public domains may have originally borne some relation *de facto* to the possession of land, but no connection *de jure* can ever have subsisted in Rome between the particular hides of land and a definite proportional use of the common pasture; because property could be acquired even by the *metoikos*, but the right to use the common pasture always remained a privilege of the burgess and was only granted exceptionally to the *metoikos* by the royal favour. At this period, however, the public land seems to have held but a subordinate place in the national economy generally, for the original common pasturage was no perhaps very extensive, and the conquered territory was probably for the most part distributed immediately as arable land among the clans or at a later period among individuals.

While agriculture was the chief and most extensively prosecuted occupation in Rome, other branches of industry did not fail to accompany it, as might be expected from the early

development of urban life in that emporium of the Latins. In fact eight guilds of craftsmen were numbered among the institutions of king Numa, that is, among the institutions that had existed in Rome from time immemorial. These were the flute blowers, the goldsmiths, the coppersmiths, the carpenters, the fullers, the dyers, the potters, and the shoemakers—a list which would substantially exhaust the class of tradesmen working to order on others' account in the very early times, when the baking of bread and the professional art of healing were not yet known and wool was spun into clothing by the women of the household themselves. It is remarkable that there appears no special guild of workers in iron. This affords a fresh confirmation of the fact that the manufacture of iron was of comparatively late introduction in Latium, and on this account in matters of ritual down to the latest times copper alone might be used, e.g. for the sacred plough and the shear knife of the priests. These bodies of craftsmen must have been of great importance in early times for the urban life of Rome and for its position towards the Latin land—an importance not to be measured by the depressed condition of Roman handicraft in later times, when it was injuriously affected by the multitude of artisan slaves working for their master or on his account, and by the increased importation of articles of luxury. The oldest lays of Rome celebrated not only the mighty war god Mamers, but also the skilled armourer Mamurius, who understood the art of forging for his fellow burgesses shields similar to the divine model shield that had fallen from heaven, Volcanus the god of fire and of the forge appears in the early list of Roman festivals (p. 164). Thus in the earliest Rome, as everywhere, the arts of forging and of wielding the plough share and the sword went hand in hand, and there was nothing of that arrogant contempt for handicrafts which we afterwards meet with there. After the Servian organisation, however, imposed the duty of serving in the army exclusively on the freeholders the industrial classes were excluded not by any law, but practically by virtue of their general want of a freehold qualification, from the privilege of bearing arms, except in the case of special subdivisions chosen from the carpenters, coppersmiths, and musicians and attached with a military organisation to the army, and this may perhaps have been the origin of the subsequent habit of depreciating the manual arts and of the position of political inferiority assigned to them. The institution of guilds doubtless had the same object as the colleges of priests that resembled them in

name; the men of skill associated themselves in order more permanently and securely to preserve the tradition of their art. That there was some mode of excluding unskilled persons is probable; but no traces are to be met with either of monopolising tendencies or of protective steps against inferior manufactures. There is no aspect, however, of the life of the Roman people respecting which our information is so scanty as that of the Roman trades.

Italian commerce must, it is obvious, have been limited in the earliest epoch to the mutual dealings of the Italians themselves. Fairs (*mercatus*), which must be distinguished from the usual weekly markets (*nundinae*) were of great antiquity in Latium. Probably they were at first associated with international gatherings and festivals, and so perhaps were connected in Rome with the festival at the federal temple on the Aventine; the Latins, who came for this purpose to Rome every year on the 13th August, may have embraced at the same time the opportunity of transacting their business in Rome and of purchasing what they needed there. A similar and perhaps still greater importance belonged in the case of Etruria to the annual general assembly at the temple of Voltumna (perhaps near Montefiascone) in the territory of Volsinii; it served at the same time as a fair and was regularly frequented by Roman traders. But the most important of all the Italian fairs was that which was held at Soracte in the grove of Feronia, a situation than which none could be found more favourable for the exchange of commodities among the three great nations. That high isolated mountain, which appears to have been set down by nature herself in the midst of the plain of the Tiber as a goal for the traveller, lay on the boundary which separated the Etruscan and Sabine lands (to the latter of which it appears mostly to have belonged), and it was likewise easily accessible from Latium and Umbria. Roman merchants regularly made their appearance there, and the wrongs of which they complained gave rise to many a quarrel with the Sabines.

Beyond doubt dealings of barter and traffic were carried on at these fairs long before the first Greek or Phoenician vessel entered the western sea. When bad harvests had occurred, different districts supplied each other at these fairs with grain; there, too, they exchanged cattle, slaves, metals, and whatever other articles were deemed needful or desirable in those primitive times. Oxen and sheep formed the oldest medium of exchange, ten sheep being reckoned equivalent to one ox. The recognition

of these objects as universal legal representatives of value or in other words as money, as well as the scale of proportion between the large and smaller cattle, may be traced back—as the occurrence of both among the Germans especially shows—not merely to the Graeco-Italian period, but beyond this even to the epoch of a purely pastoral economy<sup>1</sup> In Italy, where metal in considerable quantity was everywhere required especially for agricultural purposes and for armour, but few of its provinces themselves produced the requisite metals, copper (*aes*) very early made its appearance alongside of cattle as a second medium of exchange, and so the Latins, who were poor in copper, designated valuation itself as “coppering” (*aestimatio*) This establishment of copper as a general equivalent recognised throughout the whole peninsula, as well as the simplest numeral signs of Italian invention to be mentioned more particularly below (p 206), and the Italian duodecimal system, may be regarded as traces of this earliest international intercourse of the Italian peoples while they still had the peninsula to themselves

We have already indicated generally the nature of the influence exercised by transmarine commerce on the Italians who continued independent The Sabellian stocks remained almost wholly unaffected by it They were in possession of but a small and inhospitable belt of coast, and received whatever reached them from foreign nations—the alphabet for instance—only through the medium of the Tuscans or Latins, a circumstance which accounts for their want of urban development The intercourse of Tarentum with the Apulians and Messapians appears to have been at this epoch still unimportant It was otherwise along the west coast In Campania the Greeks and Italians dwelt peacefully side by side, and in Latium, and still more in Etruria, an extensive and regular exchange of commodities took place What were the earliest articles of import, may be inferred partly from the objects found in the primitive tombs, particularly those at Caere, partly from indications preserved in the language and institutions of the

<sup>1</sup> The comparative legal value of sheep and oxen as is well known is proved by the fact that when the cattle fines were converted into money, fines the sheep was rated at ten and the ox at a hundred *asses* (Festus v *peculatus* p 237 comp p 74, 144 Gell xi 1 Plutarch *Poplicola* 11) By a similar adjustment the Icelandic law makes twelve rams equivalent to a cow only in this as in other instances the Germanic law has substituted the duodecimal for the older decimal system

It is well known that the term denoting cattle was transferred to denote money both among the Latins (*pecunia*) and among the Germans (English *fee*)

Romans, partly and chiefly from the stimulus given to Italian industry; for of course they bought foreign manufactures for a considerable time before they began to imitate them. We cannot determine how far the development of handicrafts had advanced before the separation of the stocks, or what progress it thereafter made while Italy remained left to its own resources; it is uncertain how far the Italian fullers, dyers, tanners, and potters received their impulse from Greece or Phoenicia or had their own independent development. But it is certain that the trade of the goldsmiths, which existed in Rome from time immemorial, can only have arisen after transmarine commerce had begun and ornaments of gold had to some extent found sale among the inhabitants of the peninsula. We find, accordingly, in the oldest sepulchres of Caere and Vulci in Etruria and of Praeneste in Latium, plates of gold with winged lions stamped upon them, and similar ornaments of Babylonian manufacture. It may be a question in reference to the particular object found, whether it has been introduced from abroad or is a native imitation; but on the whole it admits of no doubt that all the west coast of Italy in early times imported metallic wares from the East. It will be shown still more clearly in the sequel, when we come to speak of the exercise of art, that architecture and modelling in clay and metal received a powerful stimulus in very early times from Greece, whence the oldest tools and the oldest models were derived. In the sepulchral chambers just mentioned, besides the gold ornaments, there were deposited vessels of bluish enamel or greenish clay, which, judging from the materials and style as well as from the hieroglyphics impressed upon them, were of Egyptian origin; perfume-vases of Oriental alabaster, several of them in the form of Isis; ostrich-eggs with painted or carved sphinxes and griffins; beads of glass and amber. These last may have come by the land-route from the north; but the other objects prove the importation of perfumes and articles of ornament of all sorts from the East. Thence came linen and purple, ivory and frankincense, as is proved by the early use of linen fillets, of the purple dress and ivory sceptre for the king, and of frankincense in sacrifice, as well as by the very ancient borrowed names for them (*λίνον*, *linum*; *πορφύρα*, *purpura*; *σκήπτρον*, *scipio*; perhaps also *ἐλέφας*, *ebur*; *θύος*, *thus*). Of similar significance is the derivation of a number of words relating to articles used in eating and drinking, particularly the names of oil (comp. p. 190), of jugs (*ἀμφορεύς*, *amp(h)ora*, *ampulla*;

κρατήρ, *cratera*), of feasting (κωμάζω, *comissari*), of a dainty (ὀψώνιον, *obsonium*), of dough (μάζα, *massa*), and various names of cakes (γλυκοῦς, *lucius*; πλακοῦς, *placenta*; τυροῦς, *turiunda*); while conversely the Latin names for dishes (*patina*, πατίνη) and for lard (*arvina*, ἀρβίνη) have found admission into Sicilian Greek. The later custom of placing in the tomb beside the dead Attic, Corcyrean, and Campanian vases proves, what these testimonies from language likewise show, the early market for Greek pottery in Italy. That Greek leather-work made its way into Latium at least in the shape of armour is apparent from the application of the Greek word for leather (σκῆτος), to signify among the Latins a shield (*scutum*; like *lorica*, from *lorum*). Finally, we deduce a similar inference from the numerous nautical terms borrowed from the Greek (although it is remarkable that the chief technical expressions in navigation—the terms for the sail, mast, and yard—are pure Latin forms);<sup>1</sup> and from the recurrence in Latin of the Greek designations for a letter (ἐπιστολή, *epistula*), a token (*tessera*, from τίσσαρα), a balance (στατήρ, *statera*), and earnest-money (ἀρραβών, *arrabo*, *arra*); and conversely from the adoption of Italian law-terms in Sicilian Greek (p. 157), as well as from the exchange of the proportions and names of coins, weights, and measures, which we shall notice in the sequel. The character of barbarism which all these borrowed terms obviously present, and especially the characteristic formation of the nominative from the accusative (*placenta* = πλακοῦντα; *amprota* = ἀμφορέα; *statera* = στατήρα), constitute the clearest evidence of their great antiquity. The worship of the god of traffic (*Mercurius*) also appears to have been from the first influenced by Greek ideas; and his annual festival seems to have been fixed on the

<sup>1</sup> *Velum* is certainly of Latin origin; so is *malus*, especially as that term denotes not merely the mast, but the tree in general (*antenna* likewise may come from ἀνά (*anhelare*, *anteslari*), and *tendere* = *superlensa*). Of Greek origin, on the other hand, are *gubernare*, to steer (κυβερνᾶν); *ancora*, anchor (ἀγκυρα); *prora*, ship's bows (πρῶρα); *aplustre*, ship's stern (ἀφλαστον), *anquina*, the rope fastening the yards (ἀγκοῖνα); *nausea*, sea-sickness (ναύσα).

The four principal winds—*aquilo*, the "eagle-wind," the north-easterly Tramontana, *volturnus* (of uncertain derivation, perhaps the "vulture-wind"), the south-easterly, *auster* the "scorching" south-west wind, the Sirocco, *favonius*, the "favourable" north-west wind blowing from the Tyrrhene Sea—have indigenous names bearing no reference to navigation, but all the other Latin names for winds are Greek (such as *eurus*, *notus*), or translations from the Greek (e.g. *solanus* = ἀπηλιώτης, *Africus* = Ἀψή).



skill The commodities were upon the whole the same, which were bought, sold, and manufactured in Latium and in Etruria, but the southern land was far inferior to its northern neighbours in the energy with which its commerce was plied The contrast between them in this respect is shown in the fact that the articles of luxury manufactured after Greek models in Etruria found a market in Latium, particularly at Praeneste, and even in Greece itself, while Latium hardly ever exported anything of the kind

A distinction not less remarkable between the commerce of the Latins and that of the Etruscans appears in their respective routes or lines of traffic As to the earliest commerce of the Etruscans in the Adriatic we can hardly do more than express the conjecture that it was directed from Spina and Hatria chiefly to Corcyra We have already mentioned (p 143) that the western Etruscans ventured boldly into the eastern seas, and trafficked not merely with Sicily, but also with Greece proper An ancient intercourse with Attica is indicated by the Attic clay vases, which are so numerous in the more recent Etruscan tombs, and had been perhaps even at this time introduced for other purposes than the already mentioned decoration of tombs, while conversely Tyrrhenian bronze candlesticks and gold cups were articles early in request in Attica Still more definitely is such an intercourse indicated by the coins The silver pieces of Populonia were struck after the pattern of a very old silver piece stamped on one side with the Gorgoneion, on the other merely presenting an incuse square, which has been found at Athens and on the old amber route in the district of Posen, and which was in all probability the very coin struck by order of Solon in Athens We have mentioned already that the Etruscans had also dealings, and perhaps after the development of the Etrusco-Carthaginian maritime alliance their principal dealings, with the Carthaginians It is a remarkable circumstance that in the oldest tombs of Caere, besides native vessels of bronze and silver, there have been found chiefly oriental articles, which may certainly have come from Greek merchants, but more probably were introduced by Phoenician traders We must not, however, attribute too great importance to this Phoenician trade, and in particular we must not overlook the fact that the alphabet, as well as the other influences that stimulated and matured native culture, were brought to Etruria by the Greeks, and not by the Phoenicians

Latin commerce assumed a different direction Rarely as

we have opportunity of instituting comparisons between the Romans and the Etruscans as regards the reception of Hellenic elements, the cases in which such comparisons can be instituted exhibit the two nations as completely independent of each other. This is most clearly apparent in the case of the alphabet. The Greek alphabet brought to the Etruscans from the Chalcidico-Doric colonies in Sicily or Campania varies not immaterially from that which the Latins derived from the same quarter, so that, although both peoples have drawn from the same source, they have done so at different times and different places. The same phenomenon appears in particular words: the Roman Pollux and the Tuscan Pultuke are independent corruptions of the Greek Polydeukes; the Tuscan Utuze or Uthuze is formed from Odysseus, the Roman Ulixes is an exact reproduction of the form of the name usual in Sicily; in like manner the Tuscan Aivas corresponds to the old Greek form of this name, the Roman Ajax to a secondary form that was probably also Sicilian; the Roman Aperta or Apollo and the Samnite Appellun have sprung from the Doric Apellon, the Tuscan Apulu from Apollon. Thus the language and writing of Latium indicate that the direction of Latin commerce was exclusively towards the Cumaeans and Sicilians. Every other trace which has survived from so remote an age leads to the same conclusion: such as, the coin of Posidonia found in Latium; the purchase of grain, when a failure of the harvest occurred in Rome, from the Volscians, Cumaeans, and Siceliots (and, as was natural, from the Etruscans as well); above all, the relation subsisting between the Latin and Sicilian monetary systems. As the local Dorico-Chalcidian designation of silver coin *νόμος*, and the Sicilian measure *ἡμίνα*, were transferred with the same meaning to Latium as *nummus* and *hemina*, so conversely the Italian designations of weight, *libra*, *triens*, *quadrans*, *sextans*, *uncia*, which arose in Latium for the measurement of the copper which was used by weight instead of money, had found their way into the common speech of Sicily in the third century of the city under the corrupt and hybrid forms, *λίτρα*, *τριᾶς*, *τετρᾶς*, *ἐξᾶς*, *οὐγκία*. Indeed, among all the Greek systems of weights and moneys, the Sicilian alone was brought into a determinate relation to the Italian copper-system; not only was the value of silver set down conventionally and perhaps legally as two hundred and fifty times that of copper, but the equivalent on this computation of a Sicilian pound of copper ( $\frac{1}{120}$ th of the Attic talent,  $\frac{2}{3}$  of the Roman pound) was in very early times

struck, especially at Syracuse, as a silver coin (*λίτρα, ἀργύριοι* the "pound of copper in silver") Accordingly it cannot be doubted that Italian bars of copper circulated also in Sicily instead of money, and this exactly harmonises with the hypothesis that the commerce of the Latins with Sicily was a passive commerce, in consequence of which Latin money was drained away thither. Other proofs of ancient intercourse between Sicily and Italy, especially the adoption in the Sicilian dialect of the Italian expressions for a commercial loan, a prison, and a dish, and the converse reception of Sicilian terms in Italy, have been already mentioned (p 157, 199). We meet also with several, though less definite, traces of an ancient intercourse of the Latins with the Chalcidian cities in Lower Italy, Cumae and Neapolis, and with the Phocaean in Velia and Massilia. That it was however far less active than that with the Siceliots is shown by the well known fact that all the Greek words which made their way in earlier times to Latium exhibit Doric forms—we need only recall *Aesculapius, Latona, Aperta, marchina*. Had their dealings with the originally Ionian cities, such as Cumae (p 137) and the Phocaean settlements, been on a similar scale with those which they had with the Sicilian Dorians, Ionic forms would at least have made their appearance along with the others, although certainly Dorism early penetrated into these Ionic colonies themselves, and their dialect varied greatly. While all the facts thus combine to attest the stirring traffic of the Latins with the Greeks of the western main generally, and especially with the Sicilians, there is scarcely found a single proof of intercourse with other peoples, in particular it is very remarkable that—if we leave out of account some local names—there is an utter absence of any evidence from language as to ancient intercourse between the Latins and the nations speaking the Aramaic tongue.<sup>1</sup>

If we further inquire how this traffic was carried on, whether by Italian merchants abroad or by foreign merchants in Italy,

<sup>1</sup> If we leave out of view *Sarranus Asper* and other local designations (p 145) the Latin language appears not to possess a single word immediately derived in early times from the Phoenician. The very few words from Phoenician roots which occur in it such as *arrabo* or *arra* and perhaps also *murra nardus* and the like, are plainly borrowed proximately from the Greek which has a considerable number of such words of Oriental extraction as indications of its primitive intercourse with the Aramaeans. The same holds true of the emblematical word *thesaurus* whether it may have been originally Greek or borrowed by the Greeks from the Phoenician or Persian it is at any rate as a Latin word derived from the Greek as the very retaining of its aspiration proves (p 180).

the former supposition has all the probabilities in its favour, at least so far as Latium is concerned. It is scarcely conceivable that those Latin terms denoting the substitute for money and the commercial loan could have found their way into general use in the language of the inhabitants of Sicily through the mere resort of Sicilian merchants to Ostia and their receipt of copper in exchange for ornaments.

Lastly, in regard to the persons and classes by whom this traffic was carried on in Italy, no special superior class of merchants distinct from and independent of the class of landed proprietors developed itself in Rome. The reason of this surprising phenomenon was, that the wholesale commerce of Latium was from the beginning in the hands of the large landed proprietors—an hypothesis which is not so singular as it seems. It was natural that in a country intersected by several navigable rivers the great landholder, who was paid by his tenants their quotas of produce in kind, should come at an early period to possess barks; and there is evidence that such was the case. The transmarine traffic conducted on the trader's own account must therefore have fallen into the hands of the great landholder, seeing that he alone possessed the vessels for it and—in his produce—the articles for export.<sup>1</sup> In fact the distinction between a landed and a moneyed aristocracy was unknown to the Romans of earlier times; the great landholders were at the same time the speculators and the capitalists. In the case of a very active commerce such a combination certainly could not have been maintained; but, as the previous representation shows, while there was a comparatively vigorous traffic in Rome in consequence of the trade of the Latin land being there concentrated, Rome was by no means mainly a commercial city like Caere or Tarentum, but was and continued to be the centre of an agricultural community.

<sup>1</sup> Quintus Claudius, in a law issued shortly before 534, prohibited the senators from having sea-going vessels holding more than 300 *amphorae* (1 *amph.* = nearly 6 gallons): *id satis habitum ad fructus ex agris vectandos; quaestus omnis patribus indecorous visus* (Liv. xxi. 63). It was thus an ancient usage, and was still permitted, that the senators should possess sea-going vessels for the transport of the produce of their estates: on the other hand, transmarine mercantile speculation (*quaestus*, traffic, fitting-out of vessels, etc.) on their part was prohibited. It is a curious fact that the ancient Greeks as well as the Romans expressed the tonnage of their sea-going ships constantly in *amphorae*; the reason evidently being, that Greece as well as Italy exported wine at a comparatively early period, and on a larger scale than any other bulky article.

## CHAPTER XIV

### MEASURING AND WRITING

THE art of measuring brings the world into subjection to man, the art of writing prevents his knowledge from perishing along with himself, together they make man—what nature has not made him—all powerful and eternal. It is the privilege and duty of history to trace the course of national progress along these paths also.

Measurement necessarily presupposes the development of the several ideas of units of time, of space, and of weight, and of a whole consisting of equal parts, or in other words of number and of a numeral system. The most obvious bases presented by nature for this purpose are, in reference to time, the periodic returns of the sun and moon, or the day and the month, in reference to space, the length of the human foot, which is more easily applied in measuring than the arm, in reference to gravity, the burden which a man is able to poise (*librare*) on his hand while he holds his arm stretched out, or the "weight" (*libra*). As a basis for the notion of a whole made up of equal parts, nothing so readily suggests itself as the hand with its five, or the hands with their ten, fingers, upon this rests the decimal system. We have already observed that these elements of all numeration and measuring reach back not merely beyond the separation of the Greek and Latin stocks, but even to the most remote primeval times. The antiquity in particular of the measurement of time by the moon is demonstrated by language (p. 17), even the mode of reckoning the days that elapse between the several phases of the moon, not forward from the phase on which it had entered last, but backward from that which was next expected, is at least older than the separation of the Greeks and Latins.

The most definite evidence of the antiquity and original exclusive use of the decimal system among the Indo Germans is furnished by the well known agreement of all Indo Germanic languages in respect to the numerals as far as a hundred inclusive (p. 18). In the case of Italy the decimal system pervaded all the earliest arrangements. It may be sufficient to recall the

number ten so usual in the case of witnesses, securities, envoys, and magistrates, the legal equivalence of one ox and ten sheep, the partition of the canton into ten curies and the pervading application generally of the decurial system, the *limitatio*, the tenth in offerings and in agriculture, decimation, and the praenomen *Decimus*. Among the applications of this most ancient decimal system in the sphere of measuring and of writing, the remarkable Italian ciphers claim a primary place. When the Greeks and Italians separated, there were still evidently no conventional signs of number. On the other hand we find the three oldest and most indispensable numerals, one, five, and ten, represented by three signs—I, V or  $\Lambda$ , X, manifestly imitations of the outstretched finger, and the open hand single and double—which were not derived either from the Hellenes or the Phoenicians, but were common to the Romans, Sabellians, and Etruscans. They were the first steps towards the formation of a national Italian writing, and at the same time evidences of the liveliness of that earlier inland intercourse among the Italians which preceded their transmarine commerce (p. 196). Which of the Italian stocks invented, and which of them borrowed, these signs, can of course no longer be ascertained. Other traces of the pure decimal system occur but sparingly in this field; among them are the *vorsus*, the Sabellian measure of surface of 100 square feet (p. 21), and the Roman year of 10 months.

Generally in the case of those Italian measures, which were not connected with Greek standards and were probably developed by the Italians before they came into contact with the Greeks, there prevailed the partition of the "whole" (*as*) into twelve "units" (*unciae*). The very earliest Latin priesthoods, the colleges of the Salii and Arvales (p. 168), as well as the leagues of the Etruscan cities, were organised on the basis of the number twelve. The same number predominated in the Roman system of weights and in the measures of length, where the pound (*libra*) and the foot (*pes*) were usually subdivided into twelve parts; the unit of the Roman measures of surface was the "driving" (*actus*) of 120 feet square, a combination of the decimal and duodecimal systems.<sup>1</sup> Similar arrangements as to the measures of capacity may have passed into oblivion.

<sup>1</sup> Originally both the *actus*, "driving," and its still more frequently occurring duplicate, the *iugerum*, "yoking," were, like the German "morgen," not measures of surface, but measures of labour; the latter denoting the day's work, the former the half-day's work, with reference to the peculiarly marked division of the day in Italy by the ploughman's rest at noon.

If we inquire into the basis of the duodecimal system and consider how it can have happened that, in addition to *ten*, *twelve* should have been so early and universally singled out from the equal series of numbers, we shall be able to find no other source to which it can be referred than a comparison of the solar and lunar periods. The double hand of ten fingers and the solar cycle of nearly twelve lunar periods first suggested to man the profound conception of an unit composed of equal units, and thereby originated the idea of a system of numbers, the first step towards mathematical thought. The consistent duodecimal development of this idea appears to have belonged to the Italian nation, and to have preceded the first contact with the Greeks.

But when at length the Hellenic trader had opened up the route to the west coast of Italy, the measures of surface remained unaffected, but the measures of length, of weight, and above all of capacity—in other words those definite standards without which barter and traffic are impossible—experienced the effects of the new international intercourse. The Roman foot, which in later times was a little smaller than the Greek,<sup>1</sup> but at that time was either equal in reality or was at any rate still reckoned equal to it, was, in addition to its Roman subdivision into twelve twelfths, divided after the Greek fashion into four hand breadths (*palmus*) and sixteen finger breadths (*digitus*). Further, the Roman weights were brought into a fixed proportional relation to the Attic system, which prevailed throughout Sicily but not in Cumæ—another significant proof that the Latin traffic was chiefly directed to the island, four Roman pounds were assumed as equal to three Attic *minæ*, or rather the Roman pound was assumed as equal to one and a half of the Sicilian *litrae*, or half *minæ* (p. 207). But the most singular and chequered aspect is presented by the Roman measures of capacity, as regards both their names and their proportions. Their names have come from the Greek terms either by corruption (*amphora*, *modius* after *μεδῖμος*, *congius* from *χœvus*, *hemina*, *cyathus*) or by translation (*acetabulum* from *οἶβάφον*), while conversely *ξेत्रης* is a corruption of *sextarius*. All the measures are not identical, but those in most common use are so, among liquid measures the *congius* or *chus*, the *sextarius*, and the *cyathus*, the two last also for dry goods, the Roman *amphora* was equivalent in liquid measure to the Attic talent, and at the same time stood to the Greek *metretres* in the fixed ratio of 3 : 2, and to the Greek *medimnos* of 2 : 1. To one who can decipher

<sup>1</sup>  $\frac{2}{3}$  of the Greek foot = one Roman foot

the significance of such records, these names and numerical proportions fully reveal the activity and importance of the intercourse between the Sicilians and the Latins.

The Greek numeral signs were not adopted; but the Roman probably availed himself of the Greek alphabet, when it reached him, to form ciphers for 50 and 1000, perhaps also for 100, out of the signs for the three aspirated letters which he had no use for. In Etruria the sign for 100 at least appears to have been obtained in a similar way. Afterwards, as usually happens, the systems of notation among the two neighbouring nations became assimilated by the adoption in substance of the Roman system in Etruria.

In like manner the Roman calendar—and probably that of the Italians generally—began with an independent development of its own, but subsequently came under the influence of the Greeks. In the division of time the returns of sunrise and sunset, and of the new and full moon, most directly arrest the attention of man; and accordingly the day and the month, determined not by cyclic calculation but by direct observation, were long the exclusive measures of time. Down to a late age sunrise and sunset were proclaimed in the Roman market-place by the public crier, and in like manner it may be presumed that in early times, at each of the four phases of the moon, the number of days that would elapse from that phase until the next was proclaimed by the priests. The mode of reckoning therefore in Latium—and the like mode, it may be presumed, was in use not merely among the Sabellians, but also among the Etruscans—was by days, which, as already mentioned, were counted not forward from the phase that had last occurred, but backward from that which was next expected; by lunar weeks, which varied in length between 7 and 8 days, the average length being  $7\frac{3}{8}$ ; and by lunar months, which in like manner were sometimes of 29, sometimes of 30 days, the average duration of the synodical month being 29 days 12 hours 44 minutes. For some time the day continued to be among the Italians the smallest, and the month the largest, division of time. It was not until afterwards that they began to distribute day and night respectively into four portions, and it was much later still when they began to employ the division into hours; which explains why even stocks otherwise closely related differed in their mode of fixing the commencement of day, the Romans placing it at midnight, the Sabellians and the Etruscans at noon. No calendar, of the year at any rate, had as yet been organised when the Greeks separated

from the Italians, for the names for the year and its divisions in the two languages have been formed quite independently of each other. Nevertheless the Italians appear to have already in the pre-Hellenic period advanced, if not to the arrangement of a fixed calendar, at any rate to the institution of two larger units of time. The simplifying of the reckoning according to lunar months by the application of the decimal system, which was usual among the Romans, and the designation of a term of ten months as a 'ring' (*annus*) or complete year, bear in them all the traces of a high antiquity. Later, but likewise at a period very early and undoubtedly previous to the operation of Greek influences, the duodecimal system (as we have already stated) was developed in Italy, and, as it derived its very origin from the observation of the fact that the solar period was equal to twelve lunar periods, it was certainly applied in the first instance to the reckoning of time. This view accords with the fact that the individual names of the months—which can only have originated after the month was viewed as part of a solar year—particularly those of March and of May, were similar among the different branches of the Italian stock, while there was no similarity between the Italian names and the Greek. It is not improbable therefore that the problem of laying down a practical calendar which should correspond at once to the moon and the sun—a problem which may be compared in some sense to the quadrature of the circle, and the solution of which was only recognised as impossible and abandoned after the lapse of many centuries—had already employed the minds of men in Italy before the epoch at which their contact with the Greeks began, these purely national attempts to solve it, however, have passed into oblivion.

What we know of the oldest calendar of Rome and of some other Latin cities—as to the Sabelian and Etruscan measurement of time we have no traditional information—is decidedly based on the oldest Greek arrangement, which was intended to answer both to the phases of the moon and to the seasons of the solar year, constructed on the assumption of a lunar period of  $29\frac{1}{2}$  days and a solar period of  $12\frac{1}{2}$  lunar months or  $368\frac{1}{2}$  days, and on the regular alternation of a full month or month of 30 days with a hollow month or month of 29 days and of a year of 12 with a year of 13 months, but at the same time maintained in some sort of harmony with the actual celestial phenomena by arbitrary curtailments and intercalations. It is possible that this Greek arrangement of the year in the first instance

came into use among the Latins without undergoing any alteration; but the oldest form of the Roman year which can be historically recognised varied materially from its model, not in the cyclical result nor yet in the alternation of years of 12 with years of 13 months, but in the designation and in the measuring off of the individual months. The Roman year began with the beginning of spring; the first month in it, and the only one which bears the name of a god, was named from Mars (*Martius*), the three following from sprouting (*aprilis*), growing (*maius*), and thriving (*iunius*), the fifth and onward to the tenth from their places in the order of arrangement (*quinctilis*, *sextilis*, *september*, *october*, *november*, *december*), the eleventh from commencing (*ianuarius*) (p. 167), with reference probably to the renewal of agricultural operations that followed mid-winter and the season of rest, the twelfth, and in an ordinary year the last, from cleansing (*februarius*). To this series recurring in regular succession there was added in the intercalary year a nameless "labour-month" (*mercedonius*) at the close of the year, viz. after February. And, as the Roman calendar was independent as respected the names of the months which were probably taken from the old national ones, it was also independent as regarded their duration. Instead of the four years of the Greek cycle, each composed of six months of 30 and six of 29 days and an intercalary month inserted every second year alternately of 29 and 30 days ( $354 + 384 + 354 + 383 = 1475$  days), the Roman calendar substituted four years, each containing four months—the first, third, fifth, and eighth—of 31 days and seven of 29 days, with a February of 28 days during three years and of 29 in the fourth, and an intercalary month of 27 days inserted every second year ( $355 + 383 + 355 + 382 = 1475$  days). In like manner this calendar deviated from the original distribution of the month into four weeks, sometimes of 7, sometimes of 8 days; instead of this it permanently fixed the first quarter in the months of 31 days on the seventh, in those of 29 on the fifth day, and the full moon in the former on the fifteenth, in the latter on the thirteenth day; so that the second and fourth weeks in the month consisted of 8 days, the third ordinarily of 9 (only in the case of the February of 28 days it consisted of 8, and in the intercalary month of 27 days, of 7), the first of 6 where the month consisted of 31, and in other cases of 4 days. As the course of the last three weeks of the month was thus essentially similar, it was henceforth necessary only to proclaim the length of the first week in each month. Thence the first day of the



and perhaps also among the other Italian stocks, and had thereafter been subjected in the calendars of the several cities to various subordinate alterations.

For the measuring of periods of more than one year the regnal years of the kings may have been employed: but it is doubtful whether that method of dating, which was in use in the East, existed in Greece or Italy during earlier times. On the other hand the intercalary period recurring every four years, and the census and lustration of the community connected with it, appear to have suggested a reckoning by *lustra* similiar in plan to the Greek reckoning by Olympiads—a mode of reckoning, however, which early lost its chronological importance in consequence of the irregularities that were soon introduced by the postponements of the census.

The art of expressing sounds by written signs was of later origin than the art of measurement. The Italians did not any more than the Hellenes develop such an art of themselves, although we may discover attempts at such a development in the Italian numeral signs (p. 206), and possibly also in the primitive Italian custom—formed independently of Hellenic influence—of drawing lots by means of wooden tablets. The difficulty which must have attended the first individualising of sounds—occurring as they do in so great a variety of combinations—is best demonstrated by the fact that a single alphabet propagated from people to people and from generation to generation has sufficed, and still suffices, for the whole of Aramaic, Indian, Graeco-Roman, and modern civilisation; and this most important product of the human intellect was the joint creation of the Aramaeans and the Indo-Germans. The Semitic family of languages, in which vowels have a subordinate character and never can begin a word, presented special facilities for the individualising of the consonants; and it was among the Semites accordingly that the first alphabet—in which the vowels, however, were wanting—was invented. It was the Indians and Greeks who first independently of each other and by very divergent methods created, out of the Aramaean consonantal writing introduced among them by commerce, a complete alphabet by the addition of the vowels—which was effected by the application of four letters, which the Greeks did not use as consonantal signs, for the four vowels *a e i o*, and by the formation of a new sign for *u*—in other words by the introduction of the syllable into writing instead of the mere consonant, or, as Palamedes says in Euripides,

Τὰ τῆς γε λήθης φαρμακ' ὀρθώσας μόνος  
 Ἄφωνα καὶ φωνοῦντα, συλλαβὰς τε θεῖς,  
 Ἐξεῖρον ἀνθροποῖσι γράμματα' εἰδέναι.

This Aramaeo-Hellenic alphabet was accordingly brought to the Italians through the medium of the Sicilian or Italian Hellenes, not, however, through the agricultural colonies of Magna Graecia, but through the merchants of Cumae or Naxos, by whom it must have been brought in the first instance to the very ancient emporia of international traffic in Latium and Etruria—to Rome and Caere. The alphabet received by the Italians was by no means the oldest Hellenic one, it had already experienced several modifications, particularly the addition of the three letters ξ φ χ and the alteration of the signs for ι γ λ.<sup>1</sup> We have already observed (p 202) that the Etruscan

<sup>1</sup> The history of the alphabet among the Hellenes turns essentially on the fact that—assuming the primitive alphabet of 23 letters, that is to say, the Phoenician alphabet vocalised and enlarged by the addition of the υ—proposals of very various kinds were made to supplement and improve it, and each of these has a history of its own. The most important of these, which it is interesting to keep in view as bearing on the history of Italian writing, are the following—I The introduction of special signs for the sounds ξ φ χ. This proposal is so old that all the Greek alphabets with the single exception of that of the islands Thera and Melos, and all derived from the Greek without exception exhibit its influence. At first probably the aim was to append the signs X=ξ, Φ=φ, and Ψ=χ to the close of the alphabet, and in this shape it was adopted on the continent of Hellas—with the exception of Athens and Corinth—and also among the Sicilian and Italian Greeks. The Greeks of Asia Minor on the other hand, of Crete and the islands of the Archipelago, and also the Corinthians on the mainland appear, when this proposal reached them, to have already had in use for the sound ξ the fifteenth sign of the Phoenician alphabet Ξ (Samech), accordingly of the three new signs they adopted the Φ for φ, but employed the X not for ξ but for χ. The third sign originally invented for χ was probably allowed in most instances to drop, the Ionians of Asia Minor retained it, but gave to it the value of ψ. The mode of writing adopted in Asia Minor was followed also by Athens, only in its case not merely the ψ, but the ξ also, was not received and in their room the two consonants continued to be written as before—II Equally early, if not still earlier, an effort was made to obviate the confusion that might so easily occur between the forms for s and for s̄, for all the Greek alphabets known to us bear traces of the endeavour to distinguish them otherwise and more precisely. Already in very early times two such proposals of change must have been made, each of which found a field of its own. In the one case they employed for the sibilant—for which the Phoenician alphabet furnished two signs, the fourteenth for sh (M) and the eighteenth for s (S)—not the latter, which was in sound the more suitable, but the former, and such was in earlier times the mode of writing in the eastern islands, in Corinth and Corcyra, and among the Italian Achaeans. In the other case they substituted for the sign of t the simple stroke l, which was by far the more usual, and at no very late date became at least so far general that the broken s̄ every where disappeared, although individual communities retained the s̄ in the form M alongside of the l—III Of later date is the substitution of υ

and Latin alphabets were not derived the one from the other, but both directly from the Greek; in fact the Greek alphabet came to Etruria in a form materially different from that which reached Latium. The Etruscan alphabet has a double sign  $\varsigma$

for  $\Lambda$  ( $\lambda$ ) which might readily be confounded with  $\Gamma \gamma$ . This was done in Athens and Boeotia, while Corinth and the communities dependent on Corinth attained the same object by giving to the  $\gamma$  the semicircular form  $\text{C}$  instead of the hook-shape.—IV. The forms for  $\rho$   $\text{P}$  and  $\tau$   $\text{P}$ , likewise very liable to be confounded, were distinguished by transforming the latter into  $\text{R}$ ; which more recent form was not used by the Greeks of Asia Minor, the Cretans, the Italian Achaeans, and a few other districts, but on the other hand greatly preponderated both in Greece proper and in Magna Graecia and Sicily. Still the older form of the  $\tau$   $\text{P}$  did not so early and so completely disappear there as the older form of the  $\iota$ ; this alteration therefore beyond doubt is to be placed later.—V. The distinction between the long and short  $e$  and the long and short  $o$  remained in the earlier times wholly confined to the Greeks of Asia Minor and of the islands of the Aegean Sea.

All these technical improvements are of a like nature and from an historical point of view of like value, in so far as each of them arose at a definite time and at a definite place and thereafter took its own mode of diffusion and found its special development. The excellent investigation of Kirchhoff (*Studien zur Geschichte des griechischen Alphabets*, 1863), which has thrown a clear light on the—previously so obscure—history of the Hellenic alphabet, and has furnished essential data for the earliest relations between the Hellenes and Italians, settling in particular incontrovertibly the previously uncertain home of the Etruscan alphabet, is affected by a certain one-sidedness in so far as it lays disproportionately great stress on a single one of these proposals. If systems are here to be distinguished at all, we may not divide the alphabets into two classes according to the value of the  $\chi$  as  $\xi$  or as  $\chi$ , but we shall have to distinguish the alphabet of 23 from that of 25 or 26 letters, and perhaps further in this latter case to distinguish the Ionic of Asia Minor, from which the later common alphabet proceeded, from the common Greek of earlier times. In dealing, however, with the different proposals for the modification of the alphabet the several districts followed an essentially eclectic course, so that one was received here and another there; and it is just in this respect that the history of the Greek alphabet is so instructive, because it shows how particular groups of the Greek lands exchanged improvements in handicraft and art, while others exhibited no such reciprocity. As to Italy in particular we have already called attention to the remarkable contrast between the Achaean agricultural towns and the Chalcidic and Doric colonies of a more mercantile character (p. 136); in the former the primitive forms were throughout retained, in the latter the improved forms were adopted, even those which coming from different quarters were somewhat inconsistent, such as the  $\text{C} \gamma$  alongside of the  $\text{V} \iota$ . The Italian alphabets proceed, as Kirchhoff has shown, wholly from the alphabet of the Italian Greeks and in fact from the Chalcidico-Doric; but that the Etruscans and Latins received their alphabet not the one from the other but both directly from the Greeks, is placed beyond doubt by the different form of the  $\tau$ . For, while of the four modifications of the alphabet above described which concern the Italian Greeks (the fifth was confined to Asia Minor) the first three were already carried out before the alphabet went to the Etruscans and Latins, the fuller distinction between  $\rho$  and  $\tau$  had not yet been introduced when it came to Etruria, but was complete when the Latins received it; for which reason the Etruscans are as little acquainted with the form  $\text{R}$  for  $\tau$  as the Latins or the Faliscans with the form  $\text{P}$ .

(sigma *s* and san *sh*) and only a single *k*,<sup>1</sup> and of the *r* only the older form *p*; the Latin has, so far as we know, only a single *s*, but a double sign for *k* (kappa *k* and koppa *q*), and of the *r* merely the more recent form *R*. The oldest Etruscan writing shows no knowledge of lines, and winds like the coiling of a snake; the more recent employs parallel broken off lines from right to left; the Latin writing, as far as our monuments reach back, exhibits only the latter form of parallel lines, which originally perhaps may have run at pleasure from left to right or from right to left, but subsequently ran among the Romans in the former, and among the Faliscans in the latter direction. The model alphabet brought to Etruria must notwithstanding its comparatively remodelled character reach back to an epoch very ancient, though not positively to be determined; for, as the two sibilants sigma and san were always used by the Etruscans as different sounds side by side, the Greek alphabet which came to Etruria must still have possessed both of them in this way as living signs of sound; but among all the monuments of the Greek language known to us not one presents sigma and san in simultaneous use.

The Latin alphabet certainly, as we know it, bears on the whole a more recent character; and it is not improbable that the Latins did not simply receive the alphabet once for all, as was the case in Etruria, but in consequence of their lively intercourse with Sicily kept pace for a considerable period with the alphabet in use there, and followed its variations. We find, for instance, that the earlier forms *Σ* and *Λ* were not unknown to the Romans, but were superseded in common use by the later forms *Σ* and *W*—a circumstance which can only be explained

<sup>1</sup> That the Etruscans always were without the koppa, seems not doubtful, for not only is no sure trace of it to be met with elsewhere, but it is wanting in the model alphabet of the Galassi vase. The attempt to show its presence in the syllabarium of the latter is at any rate mistaken, for the syllabarium can and does only take notice of the Etruscan letters that were afterwards in common use, and to these the koppa notoriously did not belong; moreover the sign placed at the close cannot well from its position have any other value than that of the *s*, which was in fact the last letter in the Etruscan alphabet, and which could not be omitted in a syllabarium exhibiting the variations of that alphabet from its model. It is certainly surprising that the koppa should be absent from the Greek alphabet that came to Etruria, when it otherwise so long maintained its place in the Chalcidico-Doric; but this may well have been a local peculiarity of the town whose alphabet first reached Etruria. Caprice and accident have at all times had a share in determining whether a sign becoming superfluous shall be retained or dropped from the alphabet; thus the Attic alphabet lost the eighteenth Phœnician sign, but retained the others which had disappeared from the usual language.

by supposing that the Latins employed for a considerable period the Greek alphabet as such in writing either their mother-tongue or Greek. It is dangerous therefore to draw from the more recent character of the Greek alphabet which we meet with in Rome, as compared with that brought to Etruria, the inference that writing was practised earlier in Etruria than in Rome.

The powerful impression produced by the acquisition of the treasure of letters on those who received them, and the vividness with which they realised the power that slumbered in those humble signs, are illustrated by a remarkable vase from one of the oldest tombs of Caere (built before the invention of the arch), exhibiting the old Greek model alphabet as it came to Etruria, and also an Etruscan syllabarium formed from it, which may be compared to that of Palamedes—evidently a sacred relic of the introduction and acclimatisation of alphabetic writing in Etruria.

Not less important for history than the derivation of the alphabet is the further course of its development on Italian soil: perhaps it is even of more importance; for by means of it a gleam of light is thrown upon the inland commerce of Italy, which is involved in far greater darkness than the commerce with foreigners on its coast. In the earliest epoch of the Etruscan alphabet, when it was used without material alteration as it had been introduced, its use appears to have been restricted to the Etruscans on the Po and in what is now Tuscany. In course of time this alphabet, manifestly diffusing itself from Hatria and Spina, reached southward along the east coast as far as the Abruzzi, northward to the Veneti and subsequently even to the Celts at the foot of, amidst, and indeed beyond the Alps, so that its last offshoots reached as far as the Tyrol and Styria. The more recent epoch started with a reform of the alphabet, the chief features of which were the introduction of writing in interrupted lines, the suppression of the *o*, which was no longer distinguished in pronunciation from the *u*, and the introduction of a new letter *f*, for which the alphabet as received by them had no corresponding sign. This reform evidently arose among the western Etruscans, and while it did not find reception beyond the Apennines, became naturalised among all the Sabellian tribes, and especially among the Umbrians. In its further course the alphabet experienced various fortunes in connection with the several stocks of the Etruscans on the Arno and around Capua, the Umbrians and

the Samnites, frequently the *mediae* were entirely or partially lost, while elsewhere again new vowels and consonants were developed. But that West Etruscan reform of the alphabet was not merely as old as the oldest tombs found in Etruria, it was considerably older, for the syllabarium just mentioned as found probably in one of these tombs already presents the reformed alphabet in an essentially modified and modernised shape, and, as the reformed alphabet itself is relatively recent as compared with the primitive one, the mind almost fails in the effort to reach back to the time when that alphabet came to Italy.

While the Etruscans thus appear as the instruments in diffusing the alphabet in the north, east, and south of the peninsula, the Latin alphabet again was confined to Latium, and maintained its ground, upon the whole, there with but few alterations, only the letters  $\gamma$   $\kappa$  and  $\xi$   $\sigma$  gradually became coincident in sound, the consequence of which was, that in each case one of the homophonous signs ( $\kappa$   $\xi$ ) disappeared from writing. In Rome it can be shown that these were already laid aside when the Twelve Tables were committed to writing. Now when we consider that in the oldest abbreviations the distinction between  $\gamma$   $c$  and  $\kappa$   $k$  is still regularly maintained,<sup>1</sup> that the period, accordingly, when the sounds became in pronunciation coincident, and before that again the period during which the abbreviations became fixed, were far earlier than the origin of the Twelve Tables, and lastly, that a considerable interval must necessarily have elapsed between the introduction of writing and the establishment of a conventional system of abbreviation, we must, both as regards Etruria and Latium, carry back the commencement of the art of writing to an epoch which more closely approximates to the first incidence of the Egyptian Sirius period within historical times, the year 1322 B.C., than to the year 776, with which the chronology of the Olympiads began in Greece.<sup>2</sup> The high antiquity of the art of writing in

<sup>1</sup> Thus C represents *Gaius* CN *Gnaeus* while K stands for *Kaeso*. With the more recent abbreviations of course this is not the case. In these  $\gamma$  is represented not by C but by G (*GAL. Galeria*)  $\kappa$  as a rule by C (*C. centum* *COS. consul* *COL. Collina*) or before a by K (*KAR. karmentalis* *MERK. merkatius*). For they expressed for a time the sound  $c$  before  $a$  by K, before the other vowels by C just as our  $q$  is only written before  $u$ .

<sup>2</sup> If this view is correct the origin of the Homeric poems (though of course not exactly in the form in which we now have them) must have been far anterior to the age which Herodotus assigns for the flourishing of Homer (100 before Rome) for the introduction of the Hellenic alphabet into Italy as well as the beginning of intercourse at all between Hellas and Italy, belongs only to the post Homeric period.

Rome is evinced otherwise by numerous and plain indications. The existence of documents of the regal period is sufficiently attested; such was the special treaty between Rome and Gabii, which was concluded by a king Tarquinius and probably not by the last of that name, and which, written on the skin of the bullock sacrificed on the occasion, was preserved in the temple of Sancus on the Quirinal, which was rich in antiquities and probably escaped the conflagration of the Gauls; and such was the alliance which king Servius Tullius concluded with Latium, and which Dionysius saw on a copper tablet in the temple of Diana on the Aventine. What he saw, however, was probably a copy restored after the fire with the help of a Latin exemplar, for it is not likely that engraving on metal was practised in the time of the kings. But even then they scratched (*exarare, scribere*, akin to *scrobes*<sup>1</sup>) or painted (*linere*, thence *littera*) on leaves (*folium*), inner bark (*liber*), or wooden tablets (*tabula, album*), afterwards also on leather and linen. The sacred records of the Samnites as well as of the priesthood of Anagnia were inscribed on linen rolls, and so were the oldest lists of the Roman magistrates preserved in the temple of the goddess of recollection (*Iuno moneta*) on the Capitol. It is scarcely necessary to recall further proofs in the primitive marking of the pastured cattle (*scriptura*), in the mode of addressing the senate, "fathers and enrolled" (*patres conscripti*), and in the great antiquity of the books of oracles, the clan-registers, and the Alban and Roman calendars. When Roman tradition speaks of halls in the Forum, where the boys and girls of quality were taught to read and write, as early as the time of the expulsion of the kings, the statement may be, but is not necessarily to be deemed, an invention. We have been deprived of information as to the early Roman history, not in consequence of the want of a knowledge of writing or even perhaps of the lack of documents, but in consequence of the incapacity of the historians of the succeeding age (which was called to investigate the history) to work out the materials furnished by the archives, and of the perversity which led them to ransack tradition for the delineation of motives and of characters, for accounts of battles and narratives of revolutions, and in pursuit of these to miss such information as it would not have refused to yield to the serious and self-denying inquirer.

The history of Italian writing thus furnishes in the first place a confirmation of the weak and indirect influence exercised by

<sup>1</sup> Just as the Old Saxon *writan* signifies properly to tear, thence to write.

the Hellenic character over the Sabellians as compared with the more western peoples. The fact that the former received their alphabet from the Etruscans and not from the Romans is probably to be explained by supposing that they had obtained it before they entered upon their migration along the ridge of the Apennines, and that the Sabines and Samnites took it with them when they were sent forth from the mother land. On the other hand this history of writing contains a salutary warning against the adoption of the hypothesis, originated by the later Roman culture in its devotedness to Etruscan mysticism and antiquarian trifling, and patiently repeated by modern and even very recent inquirers, that Roman civilisation derived its germs and its main substance from Etruria. If this were the truth, some trace of it ought to be more especially apparent in this field, but on the contrary the nucleus of the Latin art of writing was Greek, and its development was so national, that it did not even adopt the very desirable Etruscan sign for *f*. Indeed, where there is an appearance of borrowing, as in the numeral signs, it is on the part of the Etruscans, who derived from the Romans at least the sign for 50.

Lastly it is a significant fact, that among all the Italian stocks the development of the Greek alphabet primarily consisted in a process of corruption. Thus the *mediae* disappeared in the whole of the Etruscan dialects, while the Umbrians lost *γ* and *δ*, the Samnites *δ*, and the Romans *γ*, and among the latter *δ* also threatened to amalgamate with *τ*. In like manner among the Etruscans *ο* and *υ* early coalesced, and even among the Latins we meet with a tendency to the same corruption. Nearly the converse occurred in the case of the sibilants, for while the Etruscan retained the three signs *z*, *s*, *sh*, and the Umbrian rejected the last but developed two new sibilants in its room, the Samnite and the Faliscan confined themselves like the Greek to *s* and *z*, and the Roman of later times to *s* alone. It is plain that the more delicate distinctions of sound were duly felt by the introducers of the alphabet, men of culture and masters of two languages, but after the national writing became wholly detached from the Hellenic mother alphabet, the *mediae* and their *tenues* gradually came to coincide, and the sibilants and vowels were thrown into disorder—transpositions or rather destructions of sound, of which the first in particular is entirely foreign to the Greek. The destruction of the forms of flexion and derivation went hand in hand with this corruption of sounds. The cause of this barbarisation was, upon the whole, simply the

necessary process of corruption which is continuously eating away every language, where its progress is not checked by literature and reason; only in this case indications of what has elsewhere passed away without leaving a trace have been preserved in the writing of sounds. The circumstance that this barbarising process affected the Etruscans more strongly than any other of the Italian stocks adds to the numerous proofs of their inferior capacity for culture. The fact on the other hand that, among the Italians, the Umbrians apparently were the most affected by a similar corruption of language, the Romans less so, the southern Sabellians least of all, probably finds its explanation, at least in part, in the more lively intercourse maintained by the former with the Etruscans, and by the latter with the Greeks.



From the defectiveness of our traditional information it is not possible to trace the development of artistic ideas among the several groups of nations in Italy; and in particular we are no longer in a position to speak of the poetry of Italy; we can only speak of that of Latium. Latin poetry, like that of every other nation, began in the lyrical form, or, to speak more correctly, sprang out of those primitive festal rejoicings, in which dance, music, and song were still inseparably blended. It is remarkable, however, that in the most ancient religious usages dancing, and next to dancing instrumental music, were far more prominent than song. In the great procession, with which the Roman festival of victory was opened, the chief place, next to the images of the gods and the champions, was assigned to the dancers grave and merry. The grave dancers were arranged in three groups of men, youths, and boys, all clad in red tunics with copper belts, with swords and short lances, the men being moreover furnished with helmets, and generally in full armed attire. The merry dancers were divided into two companies—"the sheep" in sheep-skins with a parti-coloured over-garment, and "the goats" naked down to the waist, with a buck's skin thrown over them. In like manner the "leapers" (*salii*) were perhaps the most ancient and sacred of all the priesthoods (p. 168), and dancers (*ludii*, *ludiones*) were indispensable in all public processions, and particularly at funeral solemnities; so that dancing became even in ancient times a common trade. But, wherever the dancers made their appearance, there appeared also the musicians or—which was in the earliest times the same thing—the pipers. They too were never wanting at a sacrifice, at a marriage, or at a funeral; and by the side of the primitive priesthood of the "leapers" there was ranged, of equal antiquity although of far inferior rank, the guild of the "pipers" (*collegium tibicinum*, p. 195), whose true character as strolling musicians is evinced by their ancient privilege—maintained even in spite of the strictness of Roman police—of wandering through the streets at their annual festival, wearing masks and full of sweet wine. While dancing thus presents itself as an honourable function and music as one subordinate but still necessary, so that public corporations were instituted for both of them, poetry appears more as an incidental and, so to speak, uncalled-for phenomenon, whether it may have come into existence on its own account or to serve as an accompaniment to the movements of the dancers.

The earliest chant, in the view of the Romans, was that which

the leaves sang to themselves in the green solitude of the forest. The whispers and pipings of the "favourable spirit" (*faunus*, from *favere*) in the grove were reproduced to men, by those who had the gift of listening to him, in rhythmically measured language (*carmen*, afterwards *carmen*, from *canere*). Of a kindred nature to these soothsaying songs of inspired men and women (*vates*) were the incantations properly so called, the formulae for conjuring away diseases and other troubles, and the evil spells by which they prevented rain and called down lightning or even enticed the seed from one field to another, only in these instances, probably from the outset, formulae of mere sounds appear side by side with formulae of words.<sup>1</sup> More firmly rooted in tradition and equally ancient were the religious litanies which were sung and danced by the Salii and other priesthods, the only one of which that has come down to us, a dance chant of the Arval Brethren in honour of Mars probably composed to be sung in alternate parts, deserves a place here

*Fios Lares iuvate!*  
*Nec lue rue Marmar, sins incurrere in plures!*  
*Satur fu fere Mars! limen sali! sta! verbera!*  
*Semius is alternis advocatit conctos!*  
*I nos Marmar iuvato!*  
*Triumpe!*

Which may be thus interpreted

To the gods	{ <i>Nos, Lares iuvate!</i> <i>Nec lue rue Marmar (=ruinam) sins incurrere in plures!</i> <i>Satur esto fere Mars!</i>
To the individual brethren	{ <i>In limen usili! sta! verbera (limen?)!</i>
To all the brethren	{ <i>Semiones alterni a vocatit cunctos!</i>
To the god	{ <i>Nos Marmar iuvato!</i>
To the individual brethren	{ <i>Triumpha!</i>

The Latin of this chant and of kindred fragments of the

<sup>1</sup> Th is Cato the Elder (*de R. R.* 160) gives as potent against sprains the formula *I auat hauat hauat ista pisia sisia damia bodannaustra* which was probably quite as obscure to its inventor as it is to us. Of course along with these there were also formulae of words e.g. it was a remedy for gout to thnk while fasting on some other person and thrice nine times to utter the words touching the earth at the same time and spitting —

I think of thee mend my feet Let the earth receive the ill let I health with me d ell (*terra pestem teneto salus hic maneto* Varro *de R. R.* 1. 2. 27)

<sup>2</sup> Each of the first five lines was repeated thrice and the call at the close five times. Various points in the interpretation are uncertain particularly as respects the third and fourth lines

Salian songs; which were regarded even by the scholars of the Augustan age as the oldest documents of their mother-tongue, is related to the Latin of the Twelve Tables somewhat as the language of the Nibelungen is related to the language of Luther; and we may perhaps compare these venerable litanies, as respects both language and contents, with the Indian Vedas.

Lyrical panegyrics and lampoons belonged to a later epoch. We might infer from the national character of the Italians that satirical songs must have abounded in Latium in ancient times, even if their prevalence had not been attested by the very ancient measures of police directed against them. But the panegyrical chants became of more importance. When a burgess was borne to burial, the bier was followed by a female relative or friend, who, accompanied by a piper, sang his dirge (*nenia*). In like manner at banquets boys, who according to the fashion of those days attended their fathers even at feasts out of their own houses, sang by turns songs in praise of their ancestors, sometimes to the pipe, sometimes simply reciting them without accompaniment (*assa voce canere*). The custom of men singing in succession at banquets was probably borrowed from the Greeks, and that not till a later age. We know no further particulars of these ancestral lays; but it is self-evident that they must have attempted description and narration and thus have developed, along with and out of the lyrical element, the features of epic poetry.

Other elements of poetry were called into action in the primitive popular carnival, the comic dance or *satura* (p. 28), which beyond doubt reached back to a period anterior to the separation of the stocks. On such occasions song would never be wanting; and the circumstances under which such pastimes were exhibited, chiefly at public festivals and marriages, as well as the eminently practical shape which they certainly assumed, naturally suggested that several dancers, or sets of dancers, should take up reciprocal parts; so that the singing thus came to be associated with a species of acting, which of course was chiefly of a comical and often of a licentious character. In this way there arose not merely alternative chants, such as afterwards went by the name of Fescennine songs, but also the elements of a popular comedy—which were in this instance planted in a soil admirably adapted for their growth, as an acute sense of the outward and the comic, and a delight in gesticulation and masquerade have ever been leading traits of Italian character.

No remains have been preserved of these germs of the Roman epos and drama. That the ancestral lays were traditional is self-evident, and is abundantly demonstrated by the fact that they were regularly recited by children; but even in the time of Cato the Elder they had completely passed into oblivion. The comedies again, if it be allowable to apply to them such a name, were at this period and long afterwards altogether improvised. Consequently nothing of this popular poetry and popular melody could be handed down but the measure, the accompaniment of music and choral dancing, and perhaps the masks.

Whether what we call metre existed in the earlier times is doubtful; the litany of the Arval Brethren scarcely accommodates itself to an outwardly fixed metrical system, and presents to us rather the appearance of an animated recitation. On the other hand we find in subsequent times a very ancient rhythm, the so-called Saturnian<sup>1</sup> or Faunian metre, which is foreign to the Greeks, and may be conjectured to have arisen contemporaneously with the oldest Latin popular poetry. The following poem, belonging, it is true, to a far later age, may give an idea of it:—

*Quod rē suā discedens—asperā afflicta  
Parens timens hinc vōt—vōta hōc solūto  
Decumā factā poluētā—liberētis libentes  
Donū danūnt—Hērcolei—māxumē—mērito  
Sembl te ordnt se vōt—crēbro cōn—dēmurs.*

— — — — — || — — — — —

That which, misfortune dreading—sharply to' afflict him,  
An anxious parent vowed here,—when his wish was granted,  
A sacred tenth for banquet—gladly give his children  
To Hercules a tribute—most of all deserving;  
And now they thee beseech, that—often thou wouldst hear them.

Panegyrics as well as comic songs appear to have been uniformly sung in Saturnian metre, of course to the pipe, and probably in such a way that the *caesura* in particular in each line was strongly marked; and in alternate singing the second singer probably took up the verse at this point. The Saturnian

<sup>1</sup> The name probably denotes nothing but "the chant-measure," inasmuch as the *satura* was originally the chant sung at the carnival. The god of sowing, *Sacturnus* or *Saiturnus*, afterwards *Sāturnus*, received his name from the same root; his feast, the Saturnalia, was certainly a sort of carnival, and it is possible that the farces were originally exhibited chiefly there. But there are no proofs of a relation between the *Satura* and the Saturnalia, and probably the immediate association of the *versus sāturnius* with the god Saturn, and the lengthening of the first syllable in connection with that view, belong only to later times.

measure is, like every other occurring in Roman and Greek antiquity, based on quantity; but of all the antique metres perhaps it is the least thoroughly elaborated, for besides many other liberties it allows itself the greatest licence in omitting the short syllables, and it is at the same time the most imperfect in construction, for these iambic and trochaic half-lines opposed to each other were but little fitted to develop a rhythmical structure adequate for the purposes of the higher poetry.

The fundamental elements of the national music and choral dancing of Latium, which must likewise have been established during this period, are buried in oblivion; except that the Latin pipe is reported to have been a short and slender instrument, provided with only four holes, and originally, as the name shows, made out of the light thigh-bone of some animal.

Lastly, the masks used in after times for the standing characters of the Latin popular comedy or the *Atellana*, as it was called: *Maccus* the harlequin, *Bucco* the glutton, *Pappus* the good papa, and the wise *Dossennus*—masks which have been cleverly and strikingly compared to the two servants, the *pantalón* and the *dottore*, in the Italian comedy of *Punch*—already belonged to the earliest Latin popular art. That they did so cannot of course be strictly proved; but as the use of masks for the face in Latium in the case of the national drama was of immemorial antiquity, while the Greek drama in Rome did not adopt them for a century after its first establishment, as moreover those *Atellane* masks were of decidedly Italian origin, and as, in fine, the origination as well as the execution of improvised pieces cannot well be conceived apart from fixed masks assigning once for all to the player his proper position throughout the piece, we must associate fixed masks with the rudiments of the Roman drama, or rather regard them as constituting those rudiments themselves.

If our information respecting the earliest indigenous civilisation and art of Latium is so scanty, it may easily be conceived that our knowledge will be still scantier regarding the earliest impulses imparted in this respect to the Romans from without. In a certain sense we may include under this head their becoming acquainted with foreign languages, particularly the Greek. To this latter language, of course, the Latins generally were strangers, as was shown by their enactment in respect to the *Sibylline oracles* (p. 180); but an acquaintance with it must have been not at all uncommon in the case of merchants. The same may be affirmed of the knowledge of reading and writing,

closely connected as it was with the knowledge of Greek (p. 213). The culture of the ancient world, however, was not based either on the knowledge of foreign languages or on elementary technical accomplishments. An influence more important than any thus imparted was exercised over the development of Latium by the elements of the fine arts, which were already in very early times received from the Hellenes. For it was the Hellenes alone, and not the Phoenicians or the Etruscans, that in this respect exercised influence on the Italians. We nowhere find among the latter any stimulus of the fine arts which can be traced to Carthage or Caere, and the Phoenicians and Etruscans may be in general regarded as presenting barren and unproductive types of civilisation<sup>1</sup>. But the influence of Greece did not fail to bear fruit. The Greek seven-stringed lyre, the "strings" (*fides*, from *σφιδῆ*, gut; also *barbitus*, *βάρβιτος*), was not like the pipe indigenous in Latium, and was always regarded there as an instrument of foreign origin; but the early period at which it gained a footing is demonstrated partly by the barbarous mutilation of its Greek name, partly by its being employed even in ritual<sup>2</sup>. That some of the legendary stores of the Greek, during this period found their way into Latium, is shown by the ready reception of Greek works of sculpture with their representations based so thoroughly upon the poetical treasures

<sup>1</sup> The statement that "formerly the Roman boys were trained in Etruscan culture as they were in later times in Greek" (Liv. ix. 36), is quite irreconcilable with the original character of Roman training, and it is not easy to discover what the Roman boys could have learnt in Etruria. I ven the most zealous modern partisans of Etruscan worship will not maintain that the study of the Etruscan language played such a part in Rome then as the learning of French does now with us: that one who was not an Etruscan should have any understanding of the art of the Etruscan *haruspices* was considered, even by those who availed themselves of that art, to be a disgrace or rather an impossibility (Müller, *Etr.* ii. 4). Probably the whole statement was concocted by the Etruscising antiquaries of the last age of the republic out of rationalistic stories of the older annals such as that which makes Mucius Scaevola learn Etruscan when a child for the sake of his conversation with Porsena (Dionysius, v. 28, Plutarch, *Poplicola*, 17, comp. Dionysius iii. 70).

<sup>2</sup> The employment of the lyre in ritual is attested by Cicero *de Orat.* iii. 51, 197, *Tusc.* iv. 2, 4, Dionysius, vii. 72, Appian, *Pun.* 66, and the inscription to Orelli. 2448, comp. 1803. It was likewise used at the *menaea* (Varro *ap. Nonium v. menia* and *praeficae*). But playing on the lyre remained none the less unbecoming (Scipio *ap. Macrobi. Sat.* ii. 10 *et al.*). The prohibition of music in 639 B.C. exempted only the "Latin player on the pipe along with the singer, not the player on the lyre, and the guests at meals sang only to the pipe" (Cato in Cic. *Tusc.* i. 2, 3; iv. 2, 3, Varro *ap. Nonium v. assa voce*, Horace, *Carm.* iv. 15, 30). Quintilian, who asserts the reverse (*Inst.* i. 10, 20), has inaccurately transferred to private banquets what Cicero (*de Orat.* iii. 51) states in reference to the feasts of the gods.

of the nation; and the old Latin barbarous conversions of Persephone into Prosepna, Bellerophontes into Melerpanta, Kyklops into Cocles, Laomedon into Alumentus, Ganymedes into Catamitus, Neilos into Melus, Semele into Stimula, enable us to perceive at how remote a period such stories had been heard and repeated by the Latins. Lastly and especially, the Roman chief festival or festival of the city (*ludi maximi, Romani*) must in all probability have derived, if not its origin, at any rate its later arrangements from a Greek source. It was an extraordinary thanksgiving festival celebrated in honour of the Capitoline Jupiter and the gods dwelling along with him, ordinarily in pursuance of a vow made by the general before battle, and therefore usually observed on the return home of the burgess-force in autumn. A festival procession proceeded towards the Circus staked off between the Palatine and Aventine, and furnished with an arena and places for spectators; in front the whole boys of Rome, arranged according to the divisions of the burgess-force, on horseback and on foot; then the champions and the groups of dancers whom we have described above, each with their own music; thereafter the servants of the gods with vessels of frankincense and other sacred utensils; lastly, the biers with the images of the gods themselves. The spectacle itself was the counterpart of war as it was waged in primitive times, a contest with chariots, on horseback, and on foot. First there ran the war-chariots, each of which carried in Homeric fashion a charioteer and a combatant; then the combatants who had leaped off; then the horsemen, each of whom appeared after the Roman style of fighting with a horse which he rode and another lead by the hand (*desultor*); lastly, the champions on foot, naked to the girdle round their loins, measured their powers in racing, wrestling, and boxing. In each species of contest there was but one competition, and that between not more than two competitors. A chaplet rewarded the victor, and the honour in which the simple branch which formed the wreath was held is shown by the law permitting it to be laid on the bier of the victor when he died. The festival thus lasted only one day, and the competitions probably still left sufficient time on that day for the real carnival, at which the groups of dancers displayed their art and above all exhibited their farces; and perhaps other representations also, such as competitions in juvenile horsemanship, found a place.<sup>1</sup> The honours won

<sup>1</sup> The city festival can have only lasted at first for a single day, for in the sixth century it still consisted of four days of scenic and one day of

in real war also played their part in this festival; the brave warrior exhibited on this day the equipments of the antagonist whom he had slain, and was decorated with a chaplet by the grateful community just as was the victor in the competition.

Such was the nature of the Roman festival of victory or city-festival; and the other public festivities of Rome may be conceived to have been of a similar character, although less ample in point of resources. At the celebration of a public funeral dancers regularly bore a part, and along with them, if there was to be any further exhibition, horse-racers; in that case the burgesses were specially invited beforehand to the funeral by a public crier.

But this city-festival, so intimately bound up with the manners and exercises of the Romans, coincides in all essentials with the Hellenic national festivals: *more especially in the fundamental idea of combining a religious solemnity and a competition in warlike sports; in the selection of the several exercises, which at the Olympic festival, according to Pindar's testimony, consisted from the first in running, wrestling, boxing, chariot-racing, and throwing the spear and stone; in the nature of the prize of victory, which in Rome as well as in the Greek national festivals was a chaplet, and in the one case as well as in the other was assigned not to the charioteer, but to the owner of the team; and lastly in introducing the feasts and rewards of general patriotism in connection with the general national festival.* This agreement cannot have been accidental, but must have been either a remnant of the primitive connection between the peoples, or a result of the earliest international intercourse; and the probabilities preponderate in favour of the latter hypothesis. The city-festival, in the form in which we are acquainted with it, was not one of the oldest institutions of Rome, for the Circus itself was only laid out in the later regal

Circensian sports (Ritschl, *Parerga*, i. 313) and it is well known that the scenic amusements were only a subsequent addition. That in each kind of contest there was originally only one competition, follows from Livy, xlv. 9; the running of five-and-twenty pairs of chariots in succession on one day was a subsequent innovation (Varro *ap. Serv. Georg.* iii. 18). That only two chariots—and likewise beyond doubt only two horsemen and two wrestlers—strove for the prize, may be inferred from the circumstance that at all periods in the Roman chariot-races only as many chariots competed as there were so-called factions, and of these there were originally only two, the white and the red. The horsemanship-competition of patrician youths which belonged to the Circensian games, the so-called *Troia*, was, as is well known, revived by Caesar; beyond doubt it was connected with the cavalcade of the boy-militia, which Dionysius mentions (vii. 72).

period (p. 112); and just as the reform of the constitution then took place under Greek influence (p. 98), the city-festival may have been at the same time so far transformed as to combine Greek races with, and eventually to a certain extent to substitute them for, an older mode of amusement—the “leap” (*trumpus*, p. 28), and possibly swinging, which was a primitive Italian custom and long continued in use at the festival on the Alban mount. Moreover, while there is some trace of the use of the war-chariot in actual warfare in Hellas, no such trace exists in Latium. Lastly, the Greek term *στάδιον* (Doric *σπάδιον*) was at a very early period transferred to the Latin language, retaining its signification, as *spatium*; and there exists even an express statement that the Romans derived their horse and chariot races from the people of Thurii, although, it is true, another derives them from Etruria. It thus appears that, in addition to the impulses imparted by the Hellenes in music and poetry, the Romans were indebted to them for the fruitful idea of gymnastic competitions.

Thus there not only existed in Latium the same fundamental elements in which Hellenic culture and art originated, but Hellenic culture and art themselves exercised a powerful influence over Latium in very early times. Not only did the Latins possess the elements of gymnastic training, in so far as the Roman boy learned like every farmer's son to manage horses and waggon and to handle the hunting-spear, and as in Rome every burgess was at the same time a soldier; but the art of dancing was from the first an object of public care, and a powerful impulse was further given to such culture at an early period by the introduction of the Hellenic games. The lyrical poetry and tragedy of Hellas grew out of songs similar to the festival lays of Rome; the ancestral lay contained the germs of epos, the masked farce the germs of comedy; and in this field also Grecian influences were not wanting.

In such circumstances it is the more remarkable that these germs either did not spring up at all, or were soon arrested in their growth. The bodily training of the Latin youth continued to be solid and substantial, but it remained altogether alien from the idea of an artistic bodily culture, such as was the aim of Hellenic gymnastics. The public games of the Hellenes, when introduced into Italy, changed not so much their normal form as their essential character. While they were intended to be competitions of burgesses and beyond doubt were so at first in Rome, they became contests of trained riders and



shrivelling up than an expanding into bloom, is confirmed in a manner not to be mistaken by tradition. The beginnings of poetry everywhere, perhaps, belong rather to women than to men; the spell of incantation and the chant for the dead pertain pre-eminently to the former, and not without reason the spirits of song, the *Casmenae* or *Camenae* and the *Carmentis* of Latium, like the Muses of Hellas, were conceived as feminine. But the time came in Hellas, when the poet relieved the songstress and Apollo took his place at the head of the Muses. In Latium there was no national god of song, and the older Latin language had no designation for the poet.<sup>1</sup> The power of song emerging there was out of all proportion weaker, and was rapidly arrested in its growth. The exercise of the fine arts was there early restricted, partly to women and children, partly to incorporated or unincorporated tradesmen. We have already mentioned that funeral chants were sung by women and banquet-lays by boys; the religious litanies also were chiefly executed by children. The musicians formed an incorporated, the dancers and the wailing women (*praeficae*) unincorporated, trades. While dancing, music, and singing remained constantly in Greece—as they were originally also in Latium—reputable employments redounding to the honour of the burgess and of the community to which he belonged, in Latium the better portion of the burgesses stood more and more aloof from these vain arts, and that the more decidedly in proportion as art came to be more publicly exhibited and more thoroughly penetrated by the quickening impulses derived from other lands. The use of the native pipe was sanctioned, but the lyre remained despised; and while the national amusement of masks was allowed, the foreign amusements of the *palaestra* were not only regarded with indifference, but esteemed disgraceful. While the fine arts in Greece became more and more the common property of the Hellenes individually and collectively and thereby became the means of diffusing a universal culture, they gradually disappeared in Latium from the thoughts and feelings of the people; and, as they degenerated into utterly insignificant handicrafts, the idea of a general national culture to be communicated to youth never suggested itself at all. The educa-

<sup>1</sup> *Vates* probably denoted in the first instance the “leader of the singing” (for so the *Vates* of the *Salii* must be understood) and thereafter in its older usage approximated to the Greek *προφήτης*; it was a word belonging to religious ritual, and even when subsequently used of the poet, always retained the accessory idea of a divinely-inspired singer—the priest of the Muses.



still less, if possible, of Sabellian art; but that of course by no means warrants the inference that the Sabellians were inferior to the neighbouring stocks. On the contrary, it may be conjectured from what we otherwise know of the character of the three chief races of Italy, that in artistic gifts the Samnites approached nearest to the Hellenes and the Etruscans were farthest removed from them; and a sort of confirmation of this hypothesis is furnished by the fact, that the most gifted and most original of the Roman poets, such as Naevius, Ennius, Lucilius, and Horace, belonged to the Samnite lands, whereas Etruria has almost no representatives in Roman literature except the Arretine Maecenas, the most insufferable of all heartless and affected <sup>1</sup> court-poets, and the Volaterran Persius, the true ideal of a conceited and languid, poetry-smitten, youth.

The elements of architecture were, as has been already indicated, a primitive common possession of the stocks. The dwelling-house constituted the first attempt of structural art; and it was the same among Greeks and Italians. Built of wood, and covered with a pointed roof of straw or shingles, it formed a square dwelling-chamber, which let out the smoke and let in the light by an opening in the roof corresponding with a hole for carrying off the rain in the ground (*cavum aedium*). Under this "black roof" (*atrium*) the meals were prepared and consumed; there the household gods were worshipped, and the marriage bed and the bier were set out; there the husband received his guests, and the wife sat spinning amid the circle of her maidens. The house had no porch, unless we take as such the uncovered space between the house door and the street, which obtained its name *vestibulum*, i.e. dressing-place, from the circumstance that the Romans were in the habit of going about within doors in their tunics, and only wrapped the toga around them when they went abroad. There was, moreover, no division of apartments except that sleeping and store closets might be provided around the dwelling-room; and still less were there stairs, or stories placed one above another.

Whether, or to what extent, a national Italian architecture arose out of these beginnings can scarcely be determined, for in this field Greek influence, even in the earliest times, had a very powerful effect and almost wholly overgrew such national attempts as possibly had preceded it. The very oldest Italian architecture with which we are acquainted is not much less under the influence of that of Greece than the architecture of the

<sup>1</sup> [Literally "word-crisping," in allusion to the *calamistri Maecenatis*.]

**Augustan age** The primitive tombs of Caere and Alsium, and probably the oldest one also of those recently discovered at Praeneste, have been, exactly like the *thesauri* of Orchomenos and Mycenae, roofed over with courses of stone placed one above another, gradually over-lapping, and closed by a large stone cover. A very ancient building at the city wall of Tusculum was roofed in the same way, and so was originally the well-house (*tullianum*) at the foot of the Capitol, till the top was pulled down to make room for another building. The gates constructed on the same system are entirely similar in Arpinum and in Mycenae. The tunnel which drains the Alban lake (p. 38), presents the greatest resemblance to that of lake Copais. What are called Cyclopean ring-walls frequently occur in Italy, especially in Etruria, Umbria, Latium, and Sabina, and decidedly belong in point of design to the most ancient buildings of Italy, although the greater portion of those now extant were probably not executed till a much later age, several of them certainly not till the seventh century of the city. They are, just like those of Greece, sometimes quite roughly formed of large unwrought blocks of rock with smaller stones inserted between them, sometimes disposed in square horizontal courses,<sup>1</sup> sometimes

<sup>1</sup> Of this character were the Servian walls, the remains of which recently discovered at the Aventine, both on the side towards S. Paolo in the Vigna Maccarana and on the side towards the Tiber below S. Sabina, have been figured or described in the *Annali dell' Inst. Rom.* 1855, plates XXI—XXV, p. 87, *seq.* The blocks of tufo are hewn in longish rectangles, and at some places, for the sake of greater solidity, are laid alternately with the long and with the narrow side outermost. At one place, in the upper part of the wall, a large regular arch has been inserted, which is similar in style but appears to have been added at a later date. The portions of the wall preserved consist of about fourteen courses, the upper portion is wanting, and the lower is for the most part concealed by later buildings and often covered over with *opus reticulatum*. The wall evidently stretched quite along the edge of the hill. The continuation of these excavations inwards showed that mines and sewers traversed the Aventine hill, just as they traversed the Capitoline, in all directions. The latter belong to the system of *cloacae*, the extent and importance of which in ancient Rome has been instructively discussed by Braun (*Annali dell' Inst.* 1852, p. 331).

The portion of the Servian wall near the Viminal gate, discovered in 1862 at the Villa Negroni, consists of regular courses of huge blocks of peperino, measuring as much as 3 metres in length, 1 metre on an average in breadth, and 0.75 of a metre in thickness, which are laid side by side in three rows, so that the whole thickness of the wall amounts to more than 3 metres, or fully 10 Roman feet. To this falls to be added the earthen rampart piled up behind it, which seems to have had on its upper surface a breadth of about 13 metres or fully 40 Roman feet. At intervals of about 5 metres there are seen the foundations of towers projecting outwards. Of another piece of the Servian wall found at an early date, not far from the Porta Capena, a representation is given in Gell (*Topography of Rome*, p. 494).

Essentially similar to the Servian walls are those discovered in the

tigin, son of Jauk Kará-bahkam, who was the son of Kará Arslán, the son of Kará-malat, son of Kará Nu'mán, son of Firoz, son of Yazdajurd, who was the sovereign of Persia,<sup>1</sup>—but God knows the truth.

### I — *Amiru-l Gházi Nasiru-d din Subuktigin*

Imám Abú l Fazl Baihaki writes that Nasr Hají was a trader in the reign of 'Abdu-l Malik Núh Sámání. He bought Subuktigin, and took him to Bukhará as a slave. The marks of wisdom and activity were stamped upon his forehead, and he was purchased by the Lord Chamberlain (*Amir hayib*), Alptigin. In the service of this nobleman he went to Tukháristán, and when Alptigin was appointed governor of that place he continued to serve him. In the course of events Alptigin came afterwards to Ghaznín, when he conquered the country of Záwulistán, and wrested Ghaznín from the hands of Amír Anúk.<sup>2</sup>

Eight years afterwards Alptigin died,<sup>3</sup> and was succeeded by his son Is'hák. This chief fought with Anúk, and being defeated he went to Bukhará, where he succeeded in obtaining assistance from Amír Mansur Nuh. Thus strengthened, he returned and retook Ghaznín. One year later he expired, and Bilkátigin,<sup>4</sup> the

<sup>1</sup> A long account of the parentage of Subuktigin is given in the *Jámi' u t Tawárikh*, in which his descent is traced from Tughrul, king of Merv. Firishá follows the genealogy here given. The *Rauzat u Safa* does not notice either Briggs, *Ferishta* I. 13, *Gemal-desaal*, IV. p. 105.

<sup>2</sup> [Mr Thomas published a translation of this passage in the *Jour. R. As. Society*, vol. xvii. p. 141. In his translation, and in the Muhsin's original translation from the MS, the word "amir" does not appear, but the editors of the printed text must have had authority for it. The word is important, because Mr Thomas takes "Anúk" to be a local, not a personal or tribal appellation, and proposes to change the orthography so as to make the word to be "Lambak" i. e. "Lamghán." If the name is a local one we must here read "Amir of Anúk." I have my doubts upon this and I cannot acquiesce in the change of "Anúk" to "Lambak." The printed text gives "Anúk," and the MSS of the India Library, of the R. A. Society, and of Paris, agree in this orthography. Sir H. Elliot's MS has "Abúk." In a previous page (181) we have had it as "Kúbak," and Mr Thomas says it is also written "Lúyak." The change of any of these forms to "Lambak" is a bold one, and I prefer adhering to the best authorized form, although we are unable to identify it with any known name.]

<sup>3</sup> [There are coins, one of them at least undisputed, dated 11347, bearing the name of "Albtigin."—See Note in the Appendix on the Coins.]

<sup>4</sup> [The printed text here gives the name "Milkátigin," but Sir H. Elliot's MS



In the month of Shawwāl, A H 384 (November, 994) the command of Khurásán was conferred on Amir Mahmud, under the title of Saifu d daula, and Amir Subuktigin received the kno of Násiru-d din. He expelled Abu l hasan Samjur, and Khurásán was cleared of its enemies. Amir Subuktigin was a wise, just, brave, and religious man faithful to his agreements, truthful in his words, and not avaricious for wealth. He was kind and just to his subjects, and the Almighty God had bestowed upon him all the great qualities which are admirable in warriors and princes. The length of his reign was twenty years, and of his life fifty six years. He died in the vicinity of Balkh, in the village of Barmal Madrai, A H 386 (996 A D) <sup>1</sup>

## II—*Reign of the great King Yaminu d daula Mahmud Nizamu d din Abu l Kasim Mahmud, son of Subuktigin*

Sultan Mahmud was a great monarch. He was the first Muhammadan king who received the title of Sultan from the Khalif. He was born on the night of Thursday, the tenth of Muharram, A H 361<sup>1</sup> (2nd October, 971), in the seventh year after the time of Bilkatigin. A moment (*sa'at*) before his birth, Amir Subuktigin saw in a dream that a tree sprang up from the fire place in the midst of his house, and grew so high that it covered the whole world with its shadow. Waking in alarm from his dream, he began to reflect upon the import of it. At that very moment a messenger came, bringing the tidings that the Almighty had given him a son. Subuktigin greatly rejoiced, and said, I name the child Mahmud. On the same night that he was born, an idol temple in India, in the vicinity of Parsháwar, on the banks of the Sind, fell down.

\* \* \* \* \*

Mahmud was a man of great abilities, and is renowned as one of the greatest champions of Islam. He ascended the throne in

<sup>1</sup> [The coins of Subuktigin in some variety are extant—See Note in the Appendix.]

<sup>2</sup> [Firishta gives the date as 9th Muharram 357 H and he has been followed by Elphinstone—Briggs *Firishta* I 33 Elphinstone 323.]

cian, but exclusively under Hellenic influence. There is not a single one of the aspects of Italian art which has not found its definite model in the art of ancient Greece; and, so far, the legend is fully warranted which traces the manufacture of painted clay figures beyond doubt the most ancient form of art in Italy, to the three Greek artists, the "moulder," "sitter," and "draughtsman," Lucheir, Diopos, and Eugrammos, although it is more than doubtful whether this art came directly from Corinth or was brought directly to Tarquinii. There is as little trace of any immediate imitation of oriental models as there is of an independently-developed form of art. The Etruscan lapidaries adhered to the form of the beetle or *scarabæus*, which was originally Egyptian, but *scarabæi* were also used as models in carving in Greece in very early times (e.g. such a beetle stone, with a very ancient Greek inscription, has been found in Aegina), and therefore they may very well have come to the Etruscans through the Greeks. The Italians may have bought from the Phœnician, they learned only from the Greek.

To the further question, from what Greek stock the Etruscans in the first instance received their art models, a categorical answer cannot be given, yet relations of a remarkable kind subsist between the Etruscan and the oldest Attic art. The three forms of art, which were practised in Etruria at least in after times very extensively, but in Greece only to an extent very limited, tomb-painting, mirror-designing, and graving on stone, have been hitherto met with on Grecian soil only in Athens and Aegina. The Tuscan temple does not correspond exactly either to the Doric or to the Ionic, but in the more important points of distinction, in the course of columns carried round the *cella*, as well as in the placing of a separate pedestal under each particular column, the Etruscan style follows the more recent Ionic, and it is this same Iono-Attic style of building still pervaded by a Doric element, which in its general design stands nearest of all the Greek styles to the Tuscan. In the case of Latium there is an almost total absence of any reliable traces of intercourse bearing on the history of art. If it was—as is indeed almost self-evident—the general relations of traffic and intercourse that determined also the introduction of models in art, it may be assumed with certainty that the Campanian and Sicilian Hellenes were the instructors of Latium in art, as in the alphabet, and the analogy between the Aventine Diana and the Ephesian Artemis is at least not inconsistent with such an hypothesis. Of course the older Etruscan art also served as a

taken out of the fort of Barghand, and brought to that of Nari, and on the death of Farrakh z'id all men concurred in recognizing his succession. An officer named Hasan went to wait upon him, and with the approbation of the people of the kingdom he was brought out from the fort, and on Monday he auspiciously ascended the throne. The next day he spent in mourning for his late brother, and paid a visit to his tomb, and to the tombs of his ancestors. All the nobles and great men walked on foot in attendance upon him. He bestowed no favours upon any one, and hence apprehensions about his rule took possession of the hearts of the people. When the intelligence of his accession reached Dáud, the Saljúki, he sent some nobles into Khurasán, and made peace with him. After the death of Daud, his son, Alp Arslán, confirmed this treaty of peace. Ibráhim strengthened himself in the possession of his ancestors, the disorders which had arisen in the country from the late extraordinary events he rectified, and the Mihmudi kingdom began once again to flourish. Ruined places were built afresh, and several fortified places and towns were founded, as Khurábad, Imanabad, and other places. Many wonders and marvels appeared in his reign, and Daud, the Saljúki, died, who in havoc, war, slaughter, and conquest, passed like a flash of lightning. Ibrahím was born at Hirat, in the year of the conquest of Gurgán, 121 H (1033 A D). He had thirty six sons and forty daughters. All the daughters he married to illustrious nobles or learned men of repute. One of these princesses was ancestress in the third degree of Minhaj Sur'y. The cause of the emigration of the author's ancestors from Juzján, was that Imam 'Abdu-l Khálik, who is buried at Tahirábad, in Ghazni, saw in a dream while he lived in Juzjan, an angel who told him to rise, go to Ghazni, and take a wife. Upon his awaking it struck him that this might be some work of the devil, but as he dreamed the same thing three times successively, he acted in compliance with his dream, and came to Ghazni. There he married one of the daughters of Ibráhim, and by that princess

## BOOK SECOND

### FROM THE ABOLITION OF THE MONARCHY IN ROME TO THE UNION OF ITALY

——— οὐκ ἐκπλήττειν τὸν συγγραφεῖα τερατειόμενοι  
διὰ τῆς ἱστορίας τοῦ ἐπιτυχάνοντα.

POLYBIUS.

his rule Bahrám Sháh, his uncle, fled to Sultán Sanjar, in Khurásán. Several wonderful phenomena occurred in the reign of this prince. One was that fire and lightning fell from the sky, and burnt the markets of Ghazni. Other distressing calamities and events occurred during his reign, making it hateful to the people. Arslan was famous for his magnanimity and energy, courage, and bravery. After he had ascended the throne he treated his mother, Mahd í 'Irak, with contempt, and thus incensed Sanjar, who gave him aid to Bahram Shah and marched to Ghazni. Malik Arslan gave him battle, but being defeated, he fled to Hindustan, and fell into great distress. He expired in A H 511 (1117 A D), after a reign of two years, in the thirty-fifth year of his age.

### XIII — *Bahram Shah* <sup>1</sup>

Mu'izzu d daula Bahram Sháh, was handsome and manly, liberal, just, and a friend of his people. In the early part of his career, when Malik Arslán succeeded his father, Sultán Mas'ud the generous, he went to Khurásán, the throne of which country was occupied in those days by the great Sultan Sa'id Sanjar. Bahrám Shah remained for some time at his Court. But at length Sultán Sanjar marched against Ghazni and defeated Malik Arslan in battle. Bahrám Shah then mounted the throne, and was supported by Sultán Sanjar. Sayid Hasan composed an ode, which he recited at Court in the presence of Sanjar. Sanjar went back to Khurásán, and Bahram took possession of the country. He made some expeditions to Hindustan, and on the twenty seventh of Ramazan, A H 512, he captured Muhammad Báhalim, and kept him a prisoner, but he afterwards liberated him, and assigned the whole country of Hindustán to him. This officer again revolted and built the fort of Nagor, in the Siwálík hills, in the vicinity of Bera <sup>2</sup>. He had many sons and dependants. Bahram Shah proceeded to Hindustan to subdue the fort, and Muhammad Bahalim marched

<sup>1</sup> [A note gives the names of his nine sons.]

<sup>2</sup> [Sabra in one MS.]

## BOOK SECOND

### CHAPTER I

#### CHANGE OF THE CONSTITUTION LIMITATION OF THE POWER OF THE MAGISTRATE.

THE strict conception of the unity and omnipotence of the state in all matters pertaining to it, which was the central principle of the Italian constitutions, placed in the hands of the single president nominated for life a formidable power, which was felt doubtless by the enemies of the land, but was not less heavily felt by its citizens. Abuse and oppression could not fail to ensue, and, as a necessary consequence, efforts were made to lessen that power. It was, however, the grand distinction of the endeavours after reform and the revolutions in Rome, that there was no attempt to impose limitations on the community as such or even to deprive it of corresponding organs of expression—that there never was any endeavour to assert the so-called natural rights of the individual in contradistinction to the community—that, on the contrary, the attack was wholly directed against the form in which the community was represented. From the times of the Tarquins down to those of the Gracchi the cry of the party of progress in Rome was not for limitation of the power of the state, but for limitation of the power of the magistrates: nor amidst that cry was the truth ever forgotten, that the people ought not to govern, but to be governed.

This struggle was carried on within the burgess-body. Side by side with it another movement developed itself—the cry of the non-burgesses for equality of political privileges. Under this head are included the agitations of the plebeians, the Latins, the Italians, and the freedmen, all of whom—whether they may have borne the name of burgesses, as did the plebeians and the freedmen, or not, as was the case with the Latins and Italians—were destitute of, and laid claim to, political equality.

A third distinction was one of a still more general nature;

had gone to Lahore in Hindustan, where he died. He reigned seven years.

XV — *Khusru Malik Son of Khusru Shah, the last King of the Ghaznavide Dynasty*

Khusru Malik Fajr u d dawlā Sultan Jāhūn the gentle king mounted the throne at Lahore. This prince was exceedingly gentle, liberal, and modest, but fond of pleasure. He possessed many excellent qualities, but as he lived when the rule of his family came to an end, he was held in small esteem. With him closed the power of his house, and monarchy reigned in the country. All the nobles and officers of the State, both Turks and freemen, (*atrah o ahrar*), deserted him. The slaves and servants of the throne took the government into their own hands, while he indulged in luxury and pleasure.

Sultan Sa'īd Mu'izzu d dawlā Muhammad Sām came every year from Ghazni, continually increasing his hold upon Hind and Sind, till at length in A H 577 (1181 A D), he advanced to the gates of Lahore, where he took the elephant and the son of Khusru Shāh and carried them off with him.

In A H 583 (1187 A D) he again advanced on Lahore and took it. He then dethroned Khusru Malik, sent him to Ghazni from whence he was subsequently sent to Ibroz Koh, which was the capital of the great king Sultan Ghiyāsu d dīn Muhammad Sām. By order of this monarch Khusru Malik was kept a prisoner in the fort of Balrawan, in Ghuristan. When the war (*hudisa*) of Sultan Shāh (of Khwarizm) broke out in Khurāsān, the kings of Ghor<sup>1</sup> were obliged to throw themselves into it, and they then put Sultan Khusru Malik to death in the year 598 H (A D 1201). His son Bāhrūn Shāh who was a captive in the fort of Saifrud in Ghor, was also slain. Thus ended the house of Nāsiru d dīn Subuktigin. The kingdom of Irān, the throne of Hindustān, and the country of Khurāsān all fell into the possession of the Shansabāniya Kings.

<sup>1</sup> [Ghiyāsu d dīn and Muhammad Shahab u d dīn were brothers, and held a sort of joint rule.]

magistrate similar to the Roman dictator. The Sabellian civic communities, such as those of Capua and Pompeii, in like manner were in later times governed by a "community manager" (*medix tuticus*) changed from year to year, and we may assume that similar institutions existed among the other national and civic communities of Italy. In this light the reasons which led to the substitution of consuls for kings in Rome need no explanation. The organism of the ancient Greek and Italian polity through its own action and by a sort of natural necessity produced the limitation of the life presidency to a shortened, and for the most part an annual, term. Simple, however, as was the cause of the change, it might be brought about in various ways, a resolution might be adopted on the death of one life-ruler not to elect another—a course which the Roman senate is said to have attempted after the death of Romulus, or the ruler might voluntarily abdicate, as is affirmed to have been the intention of king Servius Tullius, or the people might rise in rebellion against a tyrannical ruler, and expel him.

It was in this last way that the monarchy was terminated in Rome. For however much the history of the expulsion of the last Tarquinius, "the proud," may have been interwoven with anecdotes and spun out into a romance, it is not in its leading outlines to be called in question. Tradition credibly enough indicates as the causes of the revolt, that the king neglected to consult the senate and to complete its numbers, that he pronounced sentences of capital punishment and confiscation without advising with his counsellors, that he accumulated immense stores of grain in his granaries, and exacted from the burgesses military labours and task work beyond what was due. The exasperation of the people is attested by the formal vow which they made man by man for themselves and for their posterity that thenceforth they would never tolerate a king, by the blind hatred with which the name of king was ever afterwards regarded in Rome, and above all by the enactment that the "king for offering sacrifice" (*rex sacrorum* or *sacrificulus*)—whom they considered it their duty to create that the gods might not miss their accustomed mediator—should be disqualified from holding any further office, so that this official was at once the first in rank and the least in power of all the Roman magistrates. Along with the last king all the members of his clan were banished—a proof how close at that time gentile ties still were. The Tarquins transferred themselves to Caere, perhaps their ancient home (p. 126), where their family tomb has recently been dis-

of the Khiláfat, and obtained the title of sovereignty and a royal banner was Amír Banjí Nahárán. The cause of his going to the presence of Hárúnu-r Rashíd, the commander of the faithful, was as follows:—There was a tribe in Ghor called Shíshání, who asserted that their ancestors were first converted to Muhammadanism, and then the Shansabánís. Muhammad is called in the Ghorí language Hamd, and when they espoused the faith they were designated Hamdís, or Muhammadans. In the time of Amír Banjí there was a man of the Shíshání tribe whose name was Sís, or in the Ghorí language Shísh. A dispute arose between this Amír Shísh and Amír Banjí, for the chiefship of Ghor, and contention broke out among the people. It was agreed by both parties that Amír Banjí and Shísh should both repair to the Khalif, and whoever brought back a patent of sovereignty and royal ensign should be the chief.

*[Account of the interview which the two chiefs had with the Khalif, when Amír Banjí, through the instruction in court etiquette which he had received from a Jew, was named chief, and Shísh was made general.]*

From that time the title of the Shansabání kings, according to the gracious words of Hárúnu-r Rashíd, commander of the faithful, became Kasím-i Amíru-l Múminín. The two chiefs returned to Ghor, and assumed their respective offices of ruler of Ghor and commander of the army. These two offices are held to this day by the different parties, according to this arrangement. The kings of Ghor were all Shansabánís, and the commanders of the army are called Shísháníyins, such as Múadu-d dín, Abú-l 'Abbás Shísh, and Suláimán Shísh.

### 3.—*Amir Sini.*

The writer of this work has not been able to obtain the annals of the kings of Ghor from the reign of Amír Banjí down to the present reign, so as to enable him to write their history in detail. The author resides in Delhi, and through the disorders which the inroads of the infidel Mughals have caused in the territories of

The supreme power was not entrusted to the two magistrates conjointly, but each consul possessed and exercised it for himself as fully and wholly as it had been possessed and exercised by the king, and, although a partition of functions doubtless took place from the first—the one consul for instance undertaking the command of the army, and the other the administration of justice—that partition was by no means binding, and each of the colleagues was legally at liberty to interfere at any time in the province of the other. When, therefore, supreme power confronted supreme power and the one colleague forbade what the other enjoined, the consular commands neutralised each other. This peculiarly Latin, if not peculiarly Roman, institution of co-ordinate supreme authorities—which in the Roman commonwealth on the whole approved itself as practicable, but to which it will be difficult to find a parallel in any other considerable state—manifestly sprang out of the endeavour to retain the regal power in legally undiminished fulness. They were thus led not to break up the royal office into parts or to transfer it from an individual to a college, but simply to double it and thereby, if necessary, to neutralise it through its own action.

A similar course was followed in reference to the termination of their tenure of office, for which moreover the earlier *inter regnum* of five days furnished a legal precedent. The ordinary presidents of the community were bound not to remain in office longer than a year reckoned from the day of their entering on their functions,<sup>1</sup> but they ceased to be magistrates not upon the expiry of the set term, but only upon their publicly and solemnly demitting their office: so that, in the event of their daring to disregard the term and to continue their magistracy beyond the year, their official acts were nevertheless valid, and in the earlier times they scarcely even incurred any other than a moral responsibility. The inconsistency between full rule over the community and a set term assigned to that rule by law was so vividly felt, that its tenure for life was only avoided by means of the magistrate declaring his own—in a certain sense free—

<sup>1</sup> The day of entering on office did not coincide with the beginning of the year (1st March) and was not at all fixed. The day of retiring was regulated by it except when a consul was elected expressly in room of one who had died or abdicated (*consul suffectus*), in which case the substitute succeeded to the rights and consequently to the term of him whom he replaced. But these supplementary consuls in the earlier period only occurred when one of the consuls had died or abdicated: pairs of supplementary consuls are not found until the later ages of the republic. Ordinarily therefore the official year of a consul consisted of unequal portions of two civil years.

that very night, 'Alau-d din composed some verses in his own praise, which he gave to the minstrels to set to music and sing before him (Verses)

He then ordered that the remnant of the people of Ghazni should be spared. Breaking up his court, he went to the bath, and on the morning of the eighth day he led the nobles and followers of Ghor to the tombs of his brothers, where he put on garments of mourning, and with all his army he remained there seven days and nights, mourning, making offerings, and having the Kuran read. He then placed the coffins of his brothers in cradles, and marched with them towards Dawar and Bust. He destroyed all the palaces and edifices of the Mahmudi kings, which had no equals in the world, and devastated all the territory which had belonged to that dynasty. After that he returned to Ghor, and interred the remains of his brothers in the tombs of their ancestors.

While at Ghazni he had given directions that several of the Sayyids of that town should be taken in retaliation of Sayid Majdu d din, wazir of Sultán Surí, who was hanged with him from the bridge of Ghazni. These captives were brought into his presence, and bags filled with the dirt of Ghazni were fastened round their necks. They were thus led to Fíroz koh, and there they were slain. Their blood was mixed with the earth they had carried from Ghazni, and with that mixture 'Alau d din built some towers on the hills of Fíroz-koh, which are standing to this day. May God forgive him!

Having thus exacted vengeance, he devoted himself to pleasure and wine, and he composed some more verses for minstrels to sing in his praise.

When he ascended the throne of Fíroz koh he imprisoned his two nephews, Ghiyasu d din Muhammad Sam and Mu'izzu d din Muhammad Sam, sons of Sultán Bahau d din Sâm, in a fort of Wahíristán, and settled an allowance for their maintenance [*Transactions with Sultan Sanjar Sahukí*]

Towards the end of his life some emissaries of the Muláhu-

imposed upon the holder of the supreme authority in consequence of the revolution had, strictly viewed, only a practical and moral value. When therefore the consul acted within the old regal jurisdiction, he might in so acting perpetrate an injustice, but he committed no crime and consequently was not amenable for what he did to the penal judge.

A limitation similar in its tendency took place in the civil jurisdiction, for to this epoch probably belongs the change by which the right of the magistrates, after adjustment of a cause, to commit to a private person the investigation of its merits was converted into an obligation to do so. It is probable that this was accomplished by a general arrangement respecting the transference of magisterial power to deputies or successors. While the king had been absolutely at liberty to nominate deputies but had never been compelled to do so, in the case of the consul the right of delegating his powers seems to have been limited and legally restricted in a twofold manner. In the first place such comprehensive delegated powers—themselves partaking of the splendour that environed the king—as those of the warden of the city in relation to the administration of justice, and probably also the delegated command of the army (p. 64), virtually ceased upon the introduction of annual kings, for the appointment of a warden of the city, which still was made for the few hours during which the two consuls had to absent themselves from the city in order to take part in the Latin festival, was a mere form and was treated in that light. It was in fact one of the objects attained by putting the supreme magistracy into the collegiate form, that a magistrate depute for the administration of justice was only required in rare exceptional cases, and although in war the commander-in-chief could not be prohibited from entrusting the command even of the whole army to another, such a deputy now took his place as simply the adjutant (*legatus*) of the general. The new republic tolerated neither king nor lieutenant with full regal powers, but the consul was at liberty, especially if a serious war seemed to require that the original unity of the magistracy should be restored, to suspend the collegiate equality of prerogatives, and to nominate a third colleague, with the title of dictator, whom both the nominating consul and his original colleague were bound to obey as a superior magistrate, and in whose person, as an extraordinary and temporary measure, the old regal powers again came into force in all their compass.

The second restriction imposed on the consuls as to the

1 — *Sultan Sayfu-d din Suri*

Sufu d din was a great king, of handsome appearance and noble carriage, and distinguished for courage, energy, humanity, justice, and liberality. He was the first individual of this family who received the title of Sultan. When the news reached him of the destruction which had fallen upon his elder brother the king of the Jabbal (Kutbu d din), he resolved upon taking vengeance upon Bahram Sháh. He gathered a great force in the states of Ghor and marched to Ghazni, where he routed Bahram and took the city. Bahram fled to Hindustan, and Sufu d din ascended the throne of Ghazni, when he placed the territories of Ghor under his brother Sultán Bahau d din Suri, father of Ghiyásu-d din and Muizzu d din. After he had secured Ghazni the chiefs of the army and the nobles of the city and environs submitted to him, and he conferred many favours upon them, so that the army and the subjects of Bahram Sháh were overwhelmed by his bounteous care. When winter came on he sent his own forces back to Ghor, and kept with him only the troops and officers of Bahram Sháh in whom he placed full confidence. His wazir, Suyid Majdu d din Musawi, and a few of his old servants remained with him, all the rest of his officers both at Court and in the country had been in the service of the old government.

In the depth of the winter, when the roads to Ghor were closed by heavy falls of snow, the people of Ghazni saw that no army or assistance could come to Sufu d din from that quarter, so they wrote to Bahram Sháh explaining how matters stood and pressing upon him the necessity of seizing this favourable opportunity for the recovery of his dominions. The deposed king acted upon these advices, and marched suddenly to Ghazni and attacked his foe Suri, with his wazir and his old servants, abandoned the city and took the road to Ghor, but the horsemen of Bahram Sháh pursued them and overtook them in the neighbourhood of Sang i Surákh<sup>1</sup>. They fought desperately until they were unhorsed,

<sup>1</sup> [Or Sang i Surkh, a strong fort in Ghor, probably near the Hari river.]

still more consequence—the community by no means obtained through its right of proposal the right of deposing a magistrate again, which it must necessarily have obtained had it really appointed him. On the contrary, as the successor was even now nominated solely by his predecessor and thus no actual magistrate ever derived his right from a magistrate still holding office, the old and important principle of Roman state-law, that the supreme magistrate could never be deposed, remained inviolably in force in the consular period also.

Lastly the nomination of the priests, which had been a prerogative of the kings (p. 63), was not transferred to the consuls, but the colleges of priests filled up the vacancies in their own ranks, while the Vestals and single priests were nominated by the pontifical college, on which devolved also the exercise of the paternal jurisdiction, so to speak, of the community over the priestesses of Vesta. With a view to the performance of these acts, which could only be properly performed by a single individual, the college probably about this period first nominated a president, the *Pontifex maximus*. This separation of the supreme authority in things sacred from the civil power—while the already mentioned ‘king for sacrifice’ had neither the civil nor the sacred powers of the king, but simply the title, conferred upon him—and the semi-magisterial position of the new high priest so decidedly contrasting with the character which otherwise marked the priesthood in Rome, form one of the most significant and important peculiarities of a state revolution, the aim of which was to impose limits on the powers of the magistrates mainly in the interest of the aristocracy.

We have already mentioned that the outward state of the consul was far inferior to that of the regal office hedged round as it was with reverence and terror, that the regal name and the priestly consecration were withheld from him, and that the axe was taken away from his attendants. We have to add that, instead of the purple robe which the king had worn, the consul was distinguished from the ordinary burgess simply by the purple border of his *toga*, and that, while the king in all probability regularly appeared in public in his chariot, the consul was bound to accommodate himself to the general rule, and like every other burgess to go within the city on foot.

These limitations, however, of the plenary power and of the insignia of the magistracy applied in the main only to the ordinary presidency of the community. In extraordinary cases, as we have already said, the two presidents chosen by

his uncle, left the Court, and started just as he was for Fíroz-koh. When he arrived there he waited upon his brother and paid his respects, as has been already related. One year he served his brother, but having taken some offence he went to Sijistan to Malik Shamsu-d din Sijistání and staid there one winter. His brother sent messengers to bring him back, and when he arrived he assigned to him the countries of Kásh-kajuran and Istiya<sup>1</sup>. When he had established his authority over the whole of Garmsír he made over to his brother the city of Takínábád, which was the largest town in Garmsír. Thus Takínábád is the place which was the cruse of the quarrel with the house of Mahmúd Subuktigin, and it passed into the hands of the kings of Ghor. Sultán-i Ghází 'Aláu d din sent the following quatrain to Khusrú Sháh bin Bulráh Sháh

"Thy father first laid the foundation of this place

"Before the people of the world had all fallen under injustice

"Beware lest for one Takínábád thou shouldst bring

"The empire of the house of Mahmud to utter ruin."

When Sultán Mu'izzu-d din became master of Takínábád the armies and leaders of the Ghuzz had fled before the forces of Khita towards Ghazní, where they remained for twelve years, having wrested the country from the hands of Khusrú Sháh and Khusrú Malik. Sultán Mu'izzu-d din kept continually assailing them from Takínábád, and troubling the country. At length in the year 569 H (1173 A D) Sultán Ghiyásu din conquered Ghazní, and returned to Ghor, after placing his brother Mu'izzu d din upon the throne, as has been before related. This prince secured the territories of Ghazní, and two years afterwards in 570 H (1174 A D) he conquered Gurdez.

In the third year he led his forces to Multán and delivered that place from the hands of the Karmatians. In the same year 571 H (1175 A D) the people of Sankarán<sup>2</sup> revolted and made great confusion, so he marched against them and put most of them to the sword. It has been written by some that these

<sup>1</sup> [Or 'Istiya,' a city of Ghor, in the hills between Hirát and Ghazní.]

<sup>2</sup> [Written also "Shankarán" and "Sanfaran".]

ments of jurisdiction. In this way the problem of legally retaining and practically restricting the regal authority was solved in genuine Roman fashion with equal acuteness and simplicity by the nameless statesmen who worked out this revolution.

The community thus acquired by the change of constitution rights of the greatest importance—the right of annually designating its presidents, and that of deciding in the last instance regarding the life or death of the burgess. But the body which acquired these rights could not possibly be the community as it had been hitherto constituted—the patriciate which had practically become an order of nobility. The strength of the nation lay in the ‘multitude’ (*plebs*), which already comprehended in large numbers people of note and of wealth. The exclusion of this multitude from the public assembly, although it bore part of the public burdens, might be tolerated as long as that public assembly itself had no very material share in the working of the state machine, and as long as the royal power by the very fact of its high and free position remained almost equally formidable to the burgesses and to the *metoeci* and thereby maintained equality of legal redress in the nation. But when the community itself was called regularly to elect and to decide, and the president was practically reduced from its master to its commissioner for a set term, this relation could no longer be maintained as it stood, least of all when the state had to be remodelled on the morrow of a revolution, which could only have been carried out by the co-operation of the patricians and the *metoeci*. An extension of that community was inevitable, and it was accomplished in the most comprehensive manner, inasmuch as the collective plebeiate, that is, all the non burgesses who were neither slaves nor citizens of extraneous communities living at Rome under the *jus hospitii*, were admitted into the curies, and thereupon the old burgesses, who had hitherto formed the curies, lost altogether the right of meeting and of resolving in concert. But at the same time the curiate assembly, which hitherto had been legally and practically the first authority in the state, was almost totally deprived of its constitutional prerogatives. It was still to retain its previous powers in acts purely formal or in those which affected clan relations—such as the vow of allegiance to be taken to the consul or to the dictator when they entered on office just as previously to the king (p. 63), and the legal dispensations requisite for an *arrogatio* or a testament—but it was not henceforward to perform any act

A'jūbatu-z Zamán Afsahu-l 'Ajam Sirāju-d dīn Minhāj, was appointed Kāzī of the army of Hindustan, and received the honour of investiture from Mu'izzu-d dīn. He held his Court at the head quarters of the army, and twelve camels were assigned for moving from place to place his Bench of Justice.

The Sultān returned to Ghaznī carrying Khusrú Malik with him, and on arriving there he sent him on to Fīroz-koh, to the Court of the great king Ghiyāsu-d dīn. This monarch sent him prisoner to the fort of Bahrawān, and confined his son Bahrām Shāh in the fort of Saifrūd.<sup>1</sup> When the war with Khwārizm Shāh broke out in the year 587 H. (1191 A.D.) Khusrú Malik and his son were put to death.<sup>2</sup>

The victorious Sultān then prepared another army, with which he attacked and conquered the fort of Sarhind. This fort he placed under the command of Zīáu-d dīn Kāzī Tolak, (son of) Muhammad 'Abdu-s Salām Nasāwī Tolakī. This Kāzī Zīáu-d dīn was cousin (son of the uncle) of the author's maternal grandfather. At the request of the Kāzī, Majdu-d dīn Tolakī selected 1200 men of the tribe of Tolakī, and placed them all under his command in the fort so as to enable him to hold it until the return of the Sultān from Ghaznī.

Rái Kolah Pithaurā came up against the fort, and the Sultān returned and faced him at Naráin.<sup>3</sup> All the Ráis of Hindustān were with the Rái Kolah. The battle was formed and the Sultān, seizing a lance, made a rush upon the elephant which carried Gobind Rái of Dehli. The latter advanced to meet him in front of the battle, and then the Sultān, who was a second Rustam, and the Lion of the Age, drove his lance into the mouth of the Rái and knocked two of the accursed wretch's teeth down

<sup>1</sup> ["Sankarān," in some copies]

<sup>2</sup> [The text does not say by whom]

<sup>3</sup> [The text has "Tarāin," but Firishta gives the name as Nārāin and says it was afterwards called Tiraūrī. He places it on the banks of the Sarsuti, 14 miles from Thānesar and 80 from Dehli, but according to Gen. Cunningham the battle-field of Nārāin is on the banks of the Rákshī river four miles south west of Tiraūrī and ten miles to the north of Karnāl. Tiraūrī is also called Azimábād. See Elphinstone, p. 363.]

college of elders not only continued exclusively patrician, but retained also its essential prerogatives—the right of appointing the interrex, and of confirming or rejecting the resolutions adopted by the community as constitutional or unconstitutional. In fact these prerogatives were enhanced by the reform of the constitution, because the appointment of the magistrates also, which fell to be made by election of the community, was thenceforth subject to the confirmation or rejection of the patrician senate. In cases of appeal alone its confirmation, so far as we know, was never deemed requisite, because in these the matter at stake was the pardon of the guilty and, when this was granted by the sovereign assembly of the people, any cancelling of such an act was wholly out of the question.

But, although by the abolition of the monarchy the constitutional rights of the patrician senate were increased rather than diminished, there yet took place—and that, according to tradition, immediately on the abolition of the monarchy—so far as regards other affairs which fell to be discussed in the senate and admitted of a freer treatment, an enlargement of that body, which brought into it plebeians also, and which in its consequences led to a complete remodelling of the whole. From the earliest times the senate had acted also, although not solely or especially, as a state-council, and, while probably even in the time of the kings it was not regarded as unconstitutional for non-senators in this case to take part in the assembly (p. 80), it was now arranged that for such discussions there should be associated with the patrician senate (*patres*) a number of non-patricians “added to the roll” (*conscripti*). This did not at all put them on a footing of equality, the plebeians in the senate did not become senators, but remained members of the equestrian order, were designated not *patres* but *conscripti*, and had no right to the insignia of senatorial dignity, the purple border and the red shoe (p. 78). Moreover, they not only remained absolutely excluded from the exercise of the magisterial prerogatives belonging to the senate (*auctoritas*), but were obliged, even where the question had reference merely to an advice (*consilium*), to rest content with the privilege of being present in silence while the question was put to the patricians in turn, and of only indicating their opinion by adding to the numbers when the division was taken—voting with the feet (*pedibus in sententiam ire, pedarii*) as the proud nobility expressed it. Nevertheless, the plebeians found their way through the new constitution not merely to the Forum, but also to the senate—

din Yalduz, respecting Lohor, and it ended in a battle, in which the victory was gained by Sultán Kutbu-d din. Táju-d din fled. Sultán Kutbu-d din then proceeded towards Ghaznín, which he captured, and for forty days he sat upon the throne of that city, at the end of which time he returned to Dehli, as has been before mentioned. Death now claimed his own, and in the year 607 H. the Sultán fell from his horse in the field while he was playing chaugán, and the horse came down upon him, so that the pommel of the saddle entered his chest, and killed him. The period of his government, from his first conquest of Dehli up to this time, was twenty years, and the time of his reign, during which he wore the crown, and had the Khutba read and coin struck in his name, was something more than four years.

## 2. *Árám Sháh, son of Sultán Kutbu-d din Aibak.*

On the death of Sultán Kutbu-d din, the nobles and princes of Hindustán deemed it advisable for the satisfaction of the army, the peace of the people, and the tranquillity of the country, to place Árám Sháh upon the throne. Sultán Kutbu-d din had three daughters, of whom the two eldest were, one after the death of the other, married to Malik Násir-u-d din Kubácha, and the third to Sultán Shamsu-d din. Now that Kutbu-d din was dead, and Árám Sháh was raised to the throne, Malik Násir-u-d din Kubácha marched towards Uch and Multán. Kutbu-d din had regarded Sultán Shamsu-d din as well suited for empire, had called him his son, and had given him Badáún in Jágír. The chief men of Dehli now invited him from Badáún and raised him to the throne. He espoused the daughter of Sultán Kutbu-d din.

When Árám Sháh expired, Hindustán was divided into four principalities. The province of Sindh was possessed by Násir-u-d din Kubácha; Dehli and its environs belonged to Sultán Sa'id Shamsu-d din; the districts of Lakhnautí were held by the Khiljí chiefs and Sultáns, and the province of Lohor was held sometimes by Malik Táju-d din, sometimes by Malik Násir-u-d din Kubácha, and sometimes by Sultán Shamsu-d din. An account of each will be given hereafter.

Evidently in the Roman commonwealth, even on the conversion of the monarchy into a republic, the old was as far as possible retained. So far as a revolution in a state can be conservative at all, this one was so, not one of the constituent elements of the commonwealth was really overthrown by it. This circumstance indicates the character of the whole movement. The expulsion of the Tarquins was not, as the pitiful and deeply falsified accounts of it represent, the work of a people carried away by sympathy and enthusiasm for liberty, but the work of two great political parties already engaged in conflict, and clearly aware that their conflict would steadily continue—the old burgesses and the *metoeci*—who, like the English Whigs and Tories in 1688, were for a moment united by the common danger which threatened to convert the commonwealth into the arbitrary government of a despot, and differed again as soon as the danger was over. The old burgesses could not get rid of the monarchy without the co-operation of the new burgesses, but the new burgesses were far from being sufficiently strong to wrest the power out of the hands of the former at one blow. Compromises of this sort are necessarily limited to the smallest measure of mutual concessions obtained by tedious bargaining, and they leave the future to decide which of the constituent elements shall eventually preponderate, and whether they will work harmoniously together or maintain their antagonism. To look therefore merely to the direct innovations, or possibly the mere change in the duration of the supreme magistracy, is altogether to mistake the broad import of the first Roman revolution. Its indirect effects were by far the most important, and vaster doubtless than even its authors anticipated.

This, in short, was the time when the Roman burgess body in the later sense of the term originated. The plebeians had hitherto been *metoeci*, who were subjected to their share of taxes and burdens, but who were nevertheless in the eye of the law really nothing but tolerated aliens, between whose position and that of foreigners proper it may have seemed hardly necessary to draw a definite line of distinction. They were now enrolled as burgesses in the registers of the *curies*, and, although they were still far from being on a footing of legal equality—although the old burgesses still remained exclusively entitled to perform the acts of authority constitutionally pertaining to the council

to be regarded as an historical fact but rather as a proof that the later Roman archaeologists were unable to point out more than 136 *gentes* of the Roman nobility (*Röm. Forsch.* i. 121).

took Lohor several times, and fought a battle with the army of Ghaznín which had come there on the part of Sultán Táju-d dín Yalduz, but he was defeated by Khwájá Muwaidul Mulk Sanjarí, who was minister of the king of Ghaznín. He still maintained possession of the territory of Sind. During the struggles with the infidels of Chin, many chiefs of Khurásín, Ghor, and Ghaznín joined him, and upon all his associates he bestowed great favours and honours. There was continual variance between him and Sultán Sa'id Shams.

When the battle between Jalálu d dín Khwárizm Sháh and Changíz Khán was fought on the banks of the Indus, Jalálu-d dín came into Sind and went towards Dewal and Makrán. After the victory of Nandur-tari the Moghal prince came with a large army to the walls of the city of Multán and besieged that strong fort for forty days. During this war and invasion Malik Násiru-d dín opened his treasures and lavished them munificently among the people. (He gave such proofs of resolution, energy, wisdom, and personal bravery, that it will remain on record to the day of resurrection.) This Moghal invasion took place in the year 621 H. (1224 A D). One year and six months after, the chiefs of Ghor through this irruption of the infidels, joined Nasiru-d dín. Towards the end of the year 623 H. (1226 A D), the army of Khulj, consisting of all the forces of Khwárizm, under the command of Malik Khán Khulj, invaded the lands of Mansúra, one of the cities of Siwistán. Malik Násiru-d dín marched to expel them, and a battle ensued, in which the army of Khulj was defeated and the Khán of Khulj was slain. Malik Nasiru-d dín then returned to Multán and Uch.

In this same year, the compiler of these leaves, Siráj Muntazir, came from the country of Khurásín, via Ghaznín and Mithán, and thence reached Uch by boat, on Tuesday, the 26th of the month of Jumáda l awwal A H. 624 (April, 1227 A D). In the month

\* blunder of the copyist, but on the other hand it may be another and older form of the name. The etymology of the word Sarhindh is doubtful, and has been a subject of speculation.—See Thornton.]

*cives Romani* and aliens But the former civic distinction was in its nature transient, while the latter political one was permanent, and the sense of political unity and rising greatness, which was thus implanted in the heart of the nation, was expansive enough first to undermine and then to carry away with its mighty current those paltry distinctions

It was at this period, moreover, that law and edict were separated The distinction indeed had its foundation in the essential character of the Roman state, for even the regal power in Rome was subordinate, not superior, to the law of the land But the profound and practical veneration, which the Romans, like every other people of political capacity, cherished for the principle of authority, gave birth to the remarkable rule of Roman constitutional and private law, that every command of the magistrate not based upon a law was at least valid during his tenure of office, although it expired with that tenure It is evident that in this view, so long as the presidents were nominated for life, the distinction between law and edict must have practically been almost lost sight of, and the legislative activity of the public assembly could acquire no development On the other hand it obtained a wide field of action after the presidents were changed annually, and the fact was now by no means void of practical importance, that, if the consul in deciding a process committed a legal informality, his successor could institute a fresh trial of the cause

It was at this period, finally, that the provinces of civil and military authority were separated In the former the law ruled, in the latter the axe the former was governed by the constitutional checks of the right of appeal and of regulated delegation, in the latter the general held an absolute sway like the king<sup>1</sup> It was an established principle, that the general and the army as such should not under ordinary circumstances enter the city proper That organic and permanently operative enactments could only be made under the superintendence of the civil power, was implied in the spirit, if not in the letter, of the constitution Instances indeed occasionally occurred where a magistrate, disregarding this principle, convoked his forces in the camp as a burgess assembly, nor was a decree passed under such circumstances legally void, but custom disapproved

<sup>1</sup> It may not be superfluous to remark that the *iudicium legitimum* as well as that *quod imperio continetur* rested on the *imperium* of the directing magistrate and the distinction only consisted in the circumstance that the *imperium* was in the former case limited by the *lex* while in the latter it was free

he told Baháu-d dín that he ought to secure it for himself. Upon this hint Baháu-d dín, posted a division of his army at the foot of the fort of Gwalior, and at two parasangs distance he constructed a fortification, where his cavalry might picket at night and return in the morning to the base of the rock. A year passed and the garrison being reduced to extremities sent messengers to Kutbu-d dín and surrendered the fort to him. There was a little misunderstanding between Baháu-d dín and Sultán Kutbu-d dín. Malik Baháu-d dín Tughril was a man of excellent qualities, and he has left many marks of his goodness in the territory of Blayáná.

5. *Malik Gházi Ikhtiyar-u-d dín Muhammad Bakhtiyar Khilji, of  
Lakhnauti.* ✓

It is related that this Muhammad Bakhtiyár was a Khiljî, of Ghor, of the province of Garmsîr. He was a very smart, enterprising, bold, courageous, wise, and experienced man. He left his tribe and came to the Court of Sultán Mu'izzu-d dín, at Ghaznín, and was placed in the *ducan-i 'arz* (office for petitions), but as the chief of that department was not satisfied with him he was dismissed, and proceeded from Ghaznín to Hindustán. When he reached the Court of Dehli, he was again rejected by the chief of the *ducan-i 'arz* of that city,<sup>1</sup> and so he went on to Badáún, into the service of Hızbaru-d dín Hasan, commander-in-chief, where he obtained a suitable position. After some time he went to Oudh in the service of Malik Hísámu-d dín Ughlabák. He had good horses and arms, and he had showed much activity and valour at many places, so he obtained *Sahlat* and *Sahli*<sup>2</sup> in Jagír. Being a bold and enterprising man, he used to make incursions into the districts of Munír (Monghír), and Behár, and bring away much plunder, until in this manner he obtained plenty of horses, arms,

<sup>1</sup> [Here there is a variation in the text for four or five lines, but the reading adopted seems the most intelligible and consistent. See printed text p 146.]

<sup>2</sup> [Var "*Salmat*," "*Sahlast*"]

points, so that we speak not of the narrower patrician, but of the enlarged patricio-plebeian, senate—so great an influence as contrasted with the annual rulers, that their legal relations became precisely inverted, the senate substantially assumed to itself the powers of government, and the former ruler sank into a president acting as its chairman and executing its decrees. In the case of every proposal to be submitted to the community for acceptance or rejection the practice of previously consulting the whole senate and obtaining its approval, while not constitutionally necessary, was consecrated by use and wont, and it was not lightly or willingly departed from. The same course was followed in the case of important state-treaties, of the management and distribution of the public lands, and generally of every act the effects of which extended beyond the official year, and nothing was left to the consul but the transaction of current business, the initial steps in civil processes, and the command in war. Especially important in its consequences was the change in virtue of which neither the consul nor even the otherwise absolute dictator, was permitted to touch the public treasure except with the consent and by the will of the senate. The senate made it obligatory on the consuls to commit the administration of the public chest, which the king had managed or might at any rate have managed himself to two standing subordinate magistrates, who were nominated by the consuls and had to obey them, but were, as may easily be conceived, much more dependent than the consuls themselves on the senate (p. 250). It thus drew into its own hands the management of finance, and this right of sanctioning the expenditure of the finances on the part of the Roman senate may be placed on a parallel in its effects with the right of sanctioning taxation in the constitutional monarchies of the present day.

The consequences followed as a matter of course. The first and most essential condition of all aristocratic government is, that the plenary power of the state be vested not in an individual but in a corporation. Now a preponderantly aristocratic corporation, the senate, had appropriated to itself the government, and at the same time the executive power not only remained in the hands of the nobility, but was also entirely subject to the governing corporation. It is true that a considerable number of men not belonging to the nobility sat in the senate, but as they were incapable of holding magistracies or even of taking part in the debates, and thus

pursued it.) On achieving this triumph, Sultán Kutbu-d dín bestowed rich gifts upon him from his own royal treasure, and he also ordered his nobles to present to him such ample offerings as can scarcely be detailed. Muhammad Bakhtiyár in that very meeting scattered all those gifts and gave them away to the people. After receiving a robe from the Sultán he returned to Behár. Great fear of him prevailed in the minds of the infidels of the territories of Lakhnautí, Behár, Bang (Bengal), and Kámrúp.

It is related by credible authorities that mention of the brave deeds and conquests of Malik Muhammad Bakhtiyár was made before Rái Lakhmaniya, whose capital was the city of Núdiya. He was a great Rái, and had sat upon the throne for a period of eighty years. A story about that Rái may be here related :—

When the father of the Rái departed this world, he was in the womb of his mother, so the crown was placed upon her belly, and all the great men expressed their loyalty before her. His family was respected by all the Ráis or chiefs of Hindustán, and was considered to hold the rank of Khalif, or sovereign. When the time of the birth of Lakhmaniya drew near, and symptoms of delivery appeared, his mother assembled the astrologers and Brahmans, in order that they might see if the aspect of the time was auspicious. They all unanimously said that if the child were born at that moment it would be exceedingly unlucky, for he would not become a sovereign. But that if the birth occurred two hours later the child would reign for eighty years. When his mother heard this opinion of the astrologers, she ordered her legs to be tied together, and caused herself to be hung with her head downwards. She also directed the astrologers to watch for the auspicious time. When they all agreed that the time for delivery was come, she ordered herself to be taken down, and Lakhmaniya was born directly, but he had no sooner come into the world than his mother died from the anguish she had endured. Lakhmaniya was placed upon the throne, and he ruled for eighty years. It is said by trustworthy persons that no one, great or small, ever suffered injustice at his hands. He used to

right of occupying seats in the senate not absolutely to the best men, but chiefly to the heads of the wealthy and notable plebeian families, and the families thus admitted jealously guarded the possession of the senatorial stalls. While a complete legal equality therefore had subsisted within the old burgess body, the new burgess body or former *metoeci* came to be in this way divided from the first into a number of privileged families and a multitude kept in a position of inferiority. But the power of the community now according to the centuriate organisation came into the hands of that class which since the Servian reform of the army and of taxation had borne mainly the burdens of the state, namely the freeholders, and indeed not so much into the hands of the great proprietors or into those of the small cottagers, as into those of the intermediate class of farmers—an arrangement in which the seniors were still so far privileged that, although less numerous, they had as many voting divisions as the juniors. While in this way the axe was laid to the root of the old burgess body and their clan nobility, and the basis of a new burgess body was laid, the preponderance in the latter rested on the possession of land and on age, and the first beginnings were already visible of a new aristocracy based primarily on the actual consideration in which the families were held—the future nobility. There could be no clearer indication of the fundamentally conservative character of the Roman commonwealth than the fact, that the revolution which gave birth to the republic laid down at the same time the primary outlines of a new organisation of the state, which was in like manner conservative and in like manner aristocratic.

was left to follow. Muhammad Bakhtiyár did not molest any man, but went on peaceably and without ostentation, so that no one could suspect who he was. The people rather thought that he was a merchant, who had brought horses for sale. In this manner he reached the gate of Rái Lakhmaniya's palace, when he drew his sword and commenced the attack. At this time the Rái was at his dinner, and golden and silver dishes filled with food were placed before him according to the usual custom. All of a sudden a cry was raised at the gate of his palace and in the city. Before he had ascertained what had occurred, Muhammad Bakhtiyár had rushed into the palace and put a number of men to the sword. The Rái fled barefooted by the rear of the palace, and his whole treasure, and all his wives, maid servants, attendants, and women fell into the hands of the invader. Numerous elephants were taken, and such booty was obtained by the Muhammadaus as is beyond all compute. When his army arrived, the whole city was brought under subjection, and he fixed his head quarters there.

Rái Lakhmaniya went towards Sanknat<sup>1</sup> and Bengal, where he died. His sons are to this day rulers in the territory of Bengal. When Muhammad Bakhtiyár had taken possession of the Rái's territory, he destroyed the city of Núdiya and established the seat of his government at Lakhnautí. He brought the surrounding places into his possession, and caused his name to be read in the Khutba and struck on the coins. Mosques, colleges, and monasteries were raised everywhere by the generous efforts of him and his officers, and he sent a great portion of the spoil to Sultán Katbu-d dín.

When several years had elapsed, he received information about the territories of Turkistán and Tibet, to the east of Lakhnautí, and he began to entertain a desire of taking Tibet and Turkistán. For this purpose he prepared an army of about ten thousand horse. Among the hills which lie between Tibet and the territory of Lakhnautí, there are three races of people.

<sup>1</sup> [Stewart in his History of Bengal says Jaggandh.]

extent beyond two sheep or beyond thirty oxen, without granting leave to appeal, and the reason of these singular rates can only perhaps be found in the fact, that in the case of the man of small means possessing only a few sheep a different maximum appeared necessary from that fixed for the wealthy proprietor of herds of oxen—a considerate regard to the wealth or poverty of the person fined, from which modern legislators might take a lesson.

But these regulations were merely superficial, the main current flowed in the opposite direction. With the change in the constitution there was introduced a comprehensive revolution in the financial and economic relations of Rome. The government of the kings had probably abstained on principle from enhancing the power of capital, and had promoted as far as it could an increase in the number of farms. The new aristocratic government, again, appears to have aimed from the first at the destruction of the middle classes, particularly of the intermediate and smaller holdings of land, and at the development of a domination of landed and moneyed lords on the one hand, and of an agricultural proletariat on the other.

The reduction of the port-dues, although upon the whole a popular measure, chiefly benefited the great merchant. But a much greater accession to the power of capital was supplied by the indirect system of finance administration. It is difficult to say what were the remote causes that gave rise to it—but, while its origin may probably be referred to the regal period, *after the introduction of the consulate the importance of the intervention of private agency must have been greatly increased*, partly by the rapid succession of magistrates in Rome, partly by the extension of the financial action of the treasury to such matters as the purchase and sale of grain and salt, and thus the foundation must have been laid for the system of farming the finances, the development of which became so momentous and so pernicious for the Roman commonwealth. The state gradually put all its indirect revenues and all its more complicated payments and transactions into the hands of middlemen, who gave or received a round sum and then managed the matter for their own benefit. Of course only considerable capitalists and, as the state looked strictly to tangible security, in the main only large landholders, could enter into such engagements—and thus there grew up a class of tax farmers and contractors, who, in the rapid growth of their wealth, in their power over the state to which they appeared to be servants, and in the

between Deo-kot and Bangáwan, and stayed as a guest in the house of Mu'atamadu-d daula, who had formerly been an equerry in the service of Muhammad Bakhtiyár and had lived in the town of Lakhnautí. From this man he heard that after passing over the bridge, the road lay for fifteen stages through the defiles and passes of the mountains, and at the sixteenth stage level land was reached. The whole of that land was well populated, and the villages were flourishing. The village which was first reached had a fort, and when the Muhammadan army made an attack upon it, the people in the fort and the surrounding places came to oppose them, and a battle ensued. (The fight raged from morning till the time of afternoon prayer, and large numbers of the Muhammadans were slain and wounded. The only weapons of the enemy were bamboo spears; and their armour, shields and helmets, consisted only of raw silk strongly fastened and sewed together. They all carried long bows and arrows.) When night came on, the prisoners who had been taken were brought forward and questioned, and it was then ascertained that at five parasangs from that place there was a city called Karambatan,<sup>1</sup> and in it there was about three hundred and fifty thousand brave Turks armed with bows. The moment the horsemen of the Muhammadans arrived, messengers went to report their approach, and these messengers would reach their destination next morning. When the author was at Lakhnautí, he made enquiries about that place, and learnt that it was a pretty large city. The ramparts of it are built of stone. The inhabitants of it are Brahmans and Núnís,<sup>2</sup> and the city is under the sway of the chief of these people. They profess the Buddhist<sup>3</sup> religion. Every morning in the market of that city, about fifteen hundred horses are sold. All the saddle horses<sup>4</sup> which come into the

<sup>1</sup> [Var. "Karam-bain," "Laram-bain." Stewart has "Kármputtan"]

<sup>2</sup> ["Núníyán," var. "Túníyán."]

<sup>3</sup> ["*Din-i Tarsai*," which according to the dictionaries, means Christianity, or Fire-worship. It is not likely that either can be intended here, though Stewart in his *Hist. of Bengal* says, "their prince was a Christian." The term is probably applied to any established religion other than Muhammadanism]

<sup>4</sup> ["*Asp-i tang-bastak*," Stewart reads "*Tūnghān*," which is probably right]

so that the state was at any time entitled to resume them, and the occupier had to pay the tenth sheaf, or in oil and wine the fifth part of the produce, to the exchequer. This was simply the *precarium* already described (p. 192) applied to the state-domains, and may have been already in use as to the public land at an earlier period as a temporary arrangement until its assignation should be carried out. Now, however, not only did this occupation tenure become permanent, but, as was natural, none but privileged persons or their favourites participated, and the tenth and fifth were collected with the same negligence as the grazing-money. A threefold blow was thus struck at the intermediate and smaller landholders: they were deprived of the common usufructs of burgesses, the burden of taxation was increased in consequence of the domain revenues no longer flowing regularly into the public chest, and those land allocations were stopped, which had provided a constant outlet for the agricultural proletariat somewhat as a great and well-regulated system of emigration would do at the present day. To these evils was added the farming on a large scale, which was probably already beginning to come into vogue, dispossessing the small agrarian clients, and in their stead cultivating the estates by rural slaves, a blow which was more difficult to avert and perhaps more pernicious than all those political usurpations put together. The burdensome and partly unfortunate wars, and the exorbitant taxes and taskworks to which these gave rise, filled up the measure of calamity, so as either to deprive the possessor directly of his farm and to make him the bondsman if not the slave of his creditor-lord, or to reduce him through encumbrances practically to the condition of a temporary lessee of his creditor. The capitalists, to whom a new field was here opened of lucrative speculation unattended by trouble or risk, sometimes augmented in this way their landed property, sometimes they left to the farmer, whose person and estate the law of debt placed in their hands, nominal proprietorship and actual possession. The latter course was probably the most common as well as the most pernicious, for while utter ruin might thereby be averted from the individual, this precarious position of the farmer, dependent at all times on the mercy of his creditor—a position in which he knew nothing of property but its burdens—threatened to demoralise and politically to annihilate the whole farmer-class. The intention of the legislator, when instead of mortgaging he prescribed the immediate transfer of the property to the creditor with a view to prevent

the distress and weakness of the Muhammadans; and he issued orders to all the Hindús of his territory to come up, levy after levy, and all around the temple they were to stick their bamboo spears in the ground and to plait them together so as to form a kind of wall.) When the soldiers of Islám saw this they told Muhammad Bakhtiyár that if they remained passive they would all be taken in the trap of the infidels and be made prisoners; some way of escape must be sought out. (By common consent they made a simultaneous sally, and directing their efforts to one spot, they cleared for themselves a way through the dangerous obstacle to the open ground.) The Hindús pursued them to the banks of the river and halted there. Every one exerted his ingenuity to devise some means of passing over the river. One of the soldiers urged his horse into the water, and it was found fordable to the distance of a bow-shot. A cry arose in the army that a fordable passage was found, and all threw themselves into the stream. The Hindús in their rear took possession of the banks. When the Muhammadans reached the middle of the stream, the water was found to be very deep, and they nearly all perished. Muhammad Bakhtiyár with some horse, to the number of about a hundred, more or less, crossed the river with the greatest difficulty, but all the rest were drowned.

When Muhammad Bakhtiyár escaped from this watery grave, the intelligence of it reached the people of Kúch and Mích. 'Alí Mích, the guide, sent his relatives forward on the road to meet him, and received him with much kindness and hospitality. When Bakhtiyár reached Deokot he was seized by sickness, occasioned by excess of grief. He would never go out, because he felt ashamed to look on the wives and children of those who had perished. (If ever he did ride out, all people, women and children, from their housetops and the streets, cried out cursing and abusing him.) In this position the remark often fell from his tongue, "Has any misfortune befallen Sultán Ghází Mu'izzu-d dín Muhammad Sâm, that my fortune has turned so bad?" It was even so, for Sultán Ghází was killed about that

the year 445, the social in the years 443 and 442, then certainly appear to have been close upon each other, but the interval was probably longer. The strict enforcement of the law of debt—so runs the story—excited the indignation of the farmers at large. When in the year 442 the levy was called forth for a dangerous war, the men bound to serve refused to obey the command—so that the consul Publius Servilius suspended for a time the application of the debt-laws, and gave orders to liberate the persons already imprisoned for debt as well as prohibited further arrests. The farmers took their places in the ranks and helped to secure the victory. On their return from the field of battle the peace, which had been achieved by their exertions brought back their prison and their chains. With merciless rigour the second consul, Appius Claudius, enforced the debtor laws, and his colleague, to whom his former soldiers appealed for aid, dared not offer opposition. It seemed as if collegiate rule had been introduced not for the protection of the people but to facilitate breach of faith and despotism, they endured however, what could not be changed. But when in the following year the war was renewed, the word of the consul availed no longer. It was only when Marcus Valerius was nominated dictator that the farmers submitted, partly from their awe of the higher magisterial authority, partly from their confidence in his friendly feeling to the popular cause—for the Valerii were one of those old patrician clans by whom government was esteemed a privilege and an honour, not a source of gain. The victory was again with the Roman standards, but when the victors came home and the dictator submitted his proposals of reform to the senate, they were thwarted by its obstinate opposition. The army still stood in its array, as usual, before the gates of the city. When the news arrived, the long threatening storm burst forth, the *esprit de corps* and the compact military organisation carried even the timid and the indifferent along with the movement. The army abandoned its general and its encampment, and under the leadership of the commanders of the legions—the military tribunes, who were at least in great part plebeians—marched in martial order into the district of Crustumeria between the Tiber and the Anio where it occupied a hill and threatened to establish in this most fertile part of the Roman territory a new plebeian city. This secession showed in a palpable manner even to the most obstinate of the oppressors that such a civil war must end with economic ruin to themselves, and the senate gave way.

elephants in a certain jungle, with their drivers, and alone by himself he was keeping them there. Horsemen were sent out to his assistance and all the elephants were brought in. In short, Muhammad Shírán was an energetic man, ready and full of expedients. When he returned, after taking 'Alí Mardán prisoner, as he was the chief of all the Khiljí nobles, they all rendered him homage, but each noble continued to rule over the districts which belonged to himself. 'Alí Mardán contrived to ingratiate himself with the Kotwál, and, escaping from prison, he went to the Court of Delhi. Upon his representations Sultán Kutbu-d dín sent Káimáz<sup>1</sup> Rúmi from Oude towards Lakhnautí, and in execution of the royal orders the Khiljí chiefs were quieted. Hisámu-d dín 'Auz Khiljí, who had received the districts of Gangatorí<sup>2</sup> from Muhammad Bakhtiyár, came to receive Káimáz Rúmi, and went with him to Deokot. Here Káimáz transferred to him the district of Deokot, and then returned. Muhammad Shírán and other Khiljí chiefs having assembled, determined to attack Deokot, so Káimáz came back from the middle of his journey and fought a battle with the Khiljí chiefs, and Muhammad Shírán and the other Khiljís were defeated. Quarrels afterwards broke out among these chiefs in the neighbourhood of Makída<sup>3</sup> and Mantús, and Muhammad Shírán was slain. His tomb is in that country.

#### 7. *Malik 'Aláu-d dín 'Alí Mardán Khiljí.*

'Alí Mardán was very resolute, bold, and fearless. When he escaped from the prison at Nárkotí, he came to Sultán Kutbu-d dín, and with him went to Ghaznín, where he fell into the hands of the Turks of that place. It is related that one day as he was going to a hunting-ground with Sultán Táju-d dín Yalduz, he said to one of the Khiljí nobles, who was called Sálár-i Zafar (victorious general), "What would you say if I were to kill

<sup>1</sup> [Var. "Káimáz," "Kímár."]

<sup>2</sup> [Var. "Kanlari."]

<sup>3</sup> [Var: Sakauanda.]

demned debtor or his imprisonment during investigation, and other powers of the same sort. That this legal help might not be frustrated by the absence of the helpers, it was further ordained that the tribune should not spend a night out of the city, and that his door must stand open day and night. The tribunes however could not prohibit the judge from pronouncing his sentence, the senate from adopting its decree, or the centuries from giving their votes.

In virtue of their judicial office they could by their messengers summon before them any burgess, even the consul in office, arrest him if he should refuse, imprison him during investigation or allow him to find bail, and then sentence him to death or to a fine. For this purpose the two plebeian aediles, who were appointed at the same time, were attached to the tribunes as attendants and assistants, as were also the 'ten men for lawsuits' (*iudices decemviri*, afterwards *decemviri litibus iudicandis*). The jurisdiction of the latter is not known, the aediles had judicial powers like the tribunes, but principally in the minor cases that might be settled by fines. If an appeal took place from their sentence, it was directed not to the whole body of the burgesses, with which the tribunes were not entitled to transact business, but to the whole body of the plebeians, who must in this case also have met and have voted by curies. This sort of proceeding certainly savoured of violence rather than of justice, especially when it was adopted against a non-plebeian, as must in fact have been ordinarily the case. It was not to be reconciled either with the letter or with the spirit of the constitution, that a patrician should be called to account by authorities who presided not over the body of burgesses, but over an association formed within it, and that he should be compelled to appeal not to the burgesses, but to this very association. This was lynch justice, but it was carried into effect, and there was at least an endeavour to clothe it in the forms of law.

This new jurisdiction of the tribunes and aediles, and the appellate decisions of the plebeian assembly thence arising, were meant beyond doubt to be as much governed by the laws as the jurisdiction of the consuls and quaestors and the judgments of the centuries on appeal. But the legal conceptions of crime committed against the community (p. 150), and of offences against order (p. 151), were themselves so little fixed, and their statutory definition so difficult and indeed impossible, that the administration of justice under these categories from its very

be given to the merchant. To such a degree was the haughtiness and severity and false pride of 'Alí Mardán excited. Besides all this, he was a cruel man and a tyrant. The poor people, the peasants, and the army were all tired of his tyranny and cruelty. They had no way of escape but in rebellion. A number of Khiljí chiefs combined against him and killed him. They then placed Hisámu-d dín 'Auz upon the throne. The length of 'Alí Mardán's reign was two years, more or less.

### 8. *Malik Hisámu-d dín 'Auz Khiljí.*

Hisámu-d dín 'Auz was a man of kindly disposition. He was a Khiljí of Ghor. It is said that once upon a time he was driving a laden mule along the skirts of the hills of Ghor, to a certain village, on his journey from the country of Závulistán to the highlands called Pasha-afroz. Two fakírs in religious garb came to him and asked him whether he carried any food on his mule. 'Auz Khiljí replied that he did. He had with him some traveller's bread, which he took from a bag on the back of the mule and spread it before the darweshes. When they had eaten the food, he produced some water and held it in a vessel before them. The fakírs partook of the food and drank of the water which he presented; they began to talk with each other saying, "This man has rendered us a service, we must not let him lose by it." They turned their faces towards 'Auz Khiljí and said, "O chief, go towards Hindustan; we give you the country as far as Muhammadanism has spread."

At this direction of the fakírs he returned from that spot, and placed his wife upon his mule, and took his way towards Hindustán. He joined Muhammad Bakhtiyár; and his fortune reached such a degree of success that his name was read in the Khutba and struck upon the coin throughout the territory of Lakhnautí. To him the title of Sultán Ghiyásu-d dín was given. He made the city of Lakhnautí the seat of his government, and built a fort for his residence. People flocked to him from all quarters, for he was exceedingly

for the collective body, provided with unlimited judicial power in criminal proceedings that in this way they might add emphasis to their command, and lastly even pronounced to be in their persons inviolable (*sacrosancti*). The people man by man swore for themselves and their children to defend the tribunes, and whoever laid hands upon them was regarded not merely as forfeited to the vengeance of the gods, but also as outlawed and proscribed among men.

The tribunes of the multitude (*tribuni plebis*) arose out of the military tribunes and derived from them their name, but constitutionally they had no further relation to them. On the contrary, in respect of powers the tribunes of the plebs stood on a level with the consuls. The appeal from the consul to the tribune, and the tribune's right of intercession in opposition to the consul, were precisely of the same nature with the appeal from consul to consul and the intercession of the one consul in opposition to the other, and both cases were simply applications of the general principle of law that, where two equal authorities differ, the veto prevails over the command. Moreover the original number (which indeed was soon augmented), the annual duration of the magistracy, which in the case of the tribunes changed its occupants on the 10th of December, and their irremovable tenure of office, were common to the tribunes and the consuls. They shared also the peculiar collegiate arrangement, which placed the full powers of the office in the hands of each individual consul and of each individual tribune, and, when collisions occurred within the college, did not count the votes, but gave the Nay precedence over the Yea, for which reason, when a tribune forbade, the vote of the individual was sufficient notwithstanding the opposition of his colleagues, while on the other hand when he brought an accusation he could be thwarted by any one of those colleagues. Both consuls and tribunes had full and co-ordinate criminal jurisdiction, and in its exercise, as the two quaestors were attached to the former, the two aediles were associated with the latter<sup>1</sup>. The consuls

<sup>1</sup> That the plebeian aediles were formed after the model of the patrician quaestors in the same way as the plebeian tribunes after the model of the patrician consuls is evident both as regards their criminal functions (in which the distinction between the two magistracies seems to have lain in their tendencies only, not in their powers) and as regards their charge of the archives. The temple of Ceres was to the aediles what the temple of Saturn was to the quaestors and from the former they derived their name. Significant in this respect is the enactment of the law of 445 (Liv. lii 55), that the decrees of the senate should be delivered over to the aediles there (p. 284), whereas as is well known according to the ancient—and, after

nautí to the gates of Lakhnaur,<sup>1</sup> and on the other side of the river as far as the city of Deo-kot, embankments (*pul*) have been raised, which extend for ten days' journey. The reason for this is that during the rains all that country is inundated and if there were no embankments people would have to go to different parts and places in boats. In his reign, the roads by means of these embankments became passable by all men. It is also said that when, after the death of Malik Násiru-d dín Mahmúd, Sultán Sa'id Shamsu-d dín came to the territory of Lakhnautí to repress the rebellion of Ikhtiyáru-d dín, he noticed the charity of Ghiyásu-d dín. Whenever afterwards he mentioned his name he used to call him Sultán, and it pleased him to say that, considering his great charity, no one ought to hesitate about giving him that title. Indeed he was a generous, just, and good-natured man. All the territories of Lakhnautí, such as Jáj Nagar and the provinces of Bengal, Kámrúp, and Tírhut, used to send him offerings. The district of Lakhnaur submitted to him, and brought him elephants, furniture, and treasures in abundance, and he established his officers there.

Sultán Sa'id Shamsu-d dín sent armies several times from Dehli, and having conquered the province of Behár he stationed his officers there. In 622 (1225 A.D.) he invaded Lakhnautí and Ghiyásu-d dín advanced his boats up the stream to oppose him, but peace was made between them. Shamsu-d dín accepted thirty-eight elephants, and treasure to the amount of eighty lacs. He ordered the Khutba to be read in his name. On his departure he gave Behár to Malik 'Aláu-d dín Jání. Ghiyásu-d dín 'Auz came to Behár from Lakhnautí, and took it, and acted tyrannically. At last in the year 624 (1227 A.D.), Malik Shahíd Násiru-d dín Mahmúd, son of Sultán Shamsu-d dín, having collected an army in Hindustán, and accompanied by 'Izzu-l Malik Jání, marched from Oude to Lakhnautí. At this time Ghiyásu-d dín 'Auz had gone on an expedition to Bengal and Kámrúp, and had left Lakhnautí stripped of defenders. Malik Násiru-d dín

<sup>1</sup> [Stewart reads "Nagor (in Birbhúm)," but Nagor is right away from the river.]

ministration of finance This design it did not, and could not, fulfil The tribune might put a stop to particular iniquities, to individual instances of crying hardship, but the fault lay not in the unfair working of a righteous law, but in a law which was itself unrighteous, and how could the tribune regularly obstruct the ordinary course of justice? Could he have done so, it would have served little to remedy the evil, unless the sources of impoverishment were stopped—the perverse taxation, the wretched system of credit, and the pernicious occupation of the dominion-lands But such measures were not attempted, evidently because the wealthy plebeians themselves had no less interest in these abuses than the patricians So this singular magistracy was instituted, which presented to the commons an obvious and available aid, and yet could not possibly carry out the necessary economic reform It was no proof of political wisdom, but a wretched compromise between the wealthy aristocracy and the leaderless multitude It has been affirmed that the tribunate of the people preserved Rome from tyranny. Were it true, it would be of little moment a change in the form of the state is not in itself an evil for a people, on the contrary, it was a misfortune for the Romans that monarchy was introduced too late, after the physical and mental energies of the nation were exhausted But the assertion is not even correct, as is shown by the circumstance that the Italian states remained as regularly free from tyrants as the Hellenic states regularly witnessed their rise The reason lies simply in the fact that tyranny is everywhere the result of universal suffrage, and that the Italians excluded the burgesses who had no land from their public assemblies longer than the Greeks did when Rome departed from this course, monarchy did not fail to emerge, and was in fact associated with this very tribunician office That the tribunate had its use, in pointing out legitimate paths of opposition and averting many a wrong, no one will fail to acknowledge, but it is equally evident that, where it did prove useful, it was employed for very different objects from those for which it had been established The bold experiment of allowing the leaders of the opposition a constitutional veto, and of investing them with power to assert it regardless of the consequences, proved to be an expedient by which the state was politically unhinged, and social evils were prolonged by the application of useless palliatives

Now that civil war was organised, it pursued its course The parties stood face to face as if drawn up for battle, each under



other events of this epoch the historical significance of which can no longer be apprehended in the lying family narratives, such as the predominance of the Fabian clan which furnished one of the two consuls from 488-476, and the reaction against it, the emigration of the Fabii from Rome, and their annihilation by the Etruscans on the Cremera (477). It was perhaps in connection with this quarrel that the right hitherto belonging to the magistrate of proposing his successor was dropped, at least as regarded the one consul (about 477). Still more odious was the murder of the tribune of the people, Gnaeus Genucius, who had ventured to call two consulars to account, and who on the morning of the day fixed for the impeachment was found dead in his bed (475). The immediate effect of this misdeed was the Publilian law (471), one of the most momentous in its consequences with which Roman history has to deal. Two of the most important arrangements—the introduction of the plebeian assembly of tribes, and the placing of the *plebiscitum* on a level, although conditionally, with the formal law sanctioned by the whole community—are to be referred, the former certainly, the latter probably, to the proposal of Volero Publilius the tribune of the people in 471. The plebs had hitherto adopted its resolutions by curies, accordingly in these its separate assemblies the voting had been by mere numbers without distinction of estate or freehold property, and, in consequence of the concert among clansmen implied in the very nature of the curial assembly, the clients of the great patrician families had voted together in the assembly of the plebeians. Both of these circumstances had given the nobility various opportunities of exercising influence on that assembly, and especially of managing the election of tribunes according to their views, and both were henceforth done away by means of the new method of voting according to tribes. Of these, four had been formed under the Servian constitution for the purposes of the levy, embracing town and country alike (p. 94), subsequently—perhaps in the year 468—the Roman territory had been divided into twenty districts, of which the first four were the ancient wards now restricted to the city and its immediate environs, while the other sixteen were formed out of the rural territory on the basis of the clan cantons of the earliest Roman domain (p. 35). To these was added—probably only in consequence of the Publilian law, and with a view to bring about the inequality, which was desirable for voting purposes, in the total number of the divisions—as a twenty first tribe the Crustu-

the Jailam, where that wretched rabble had taken refuge, and exhibited great bravery, galling the enemy so with his arrows that he overcame their resistance, and sent them from the tops of the waves into the depths of hell: "they drowned and entered the fires."

The Sultán in the midst of the battle observed his feats of daring and courage, and enquired who he was. When his majesty was enlightened upon this point he called him into his presence and honoured him with especial notice. Kutbu-d dín was ordered to treat Altamsh well, as he was destined for great works. His majesty then ordered the deed of his freedom to be written out and graciously granted him his liberty.

When Sultán Kutbu-d dín expired at Lahore,<sup>1</sup> the commander-in-chief, 'Alí Isma'il, who had charge of Dehli, joined with some other nobles and principal men, and sent letters to Badáún inviting Shamsu-d dín. When he arrived he mounted the throne of Dehli in A.H. 607 (1210 A.D.) and established his authority. The Turks and the Mu'izzí chiefs assembled from all quarters in Dehli, but the Turks and Mu'izzí chiefs of that city did not join them. They resolved to try the effect of resistance, so they went out of Dehli, collected in the environs and raised the standard of revolt. Sultán Shamsu-d dín marched out of Dehli with a body of horse and his own personal followers, defeated them in the plains of the Jumna and put most of their horsemen to the sword. Afterwards Sultán Táju-d dín made a treaty with him from Lahore and Ghazní and sent him some insignia of royalty. Quarrels arose several times between Sultán Shamsu-d dín Altamsh and Malik Násiru-d dín Kubácha about Lahore, Tabarhindh, and Kahrám; and in the year 614 (1217 A.D.) he defeated Kubácha. Hostilities also broke out at different times between him and the chiefs of various parts of Hindustán and the Turks, but as he was assisted by Divine favour, every one who resisted him or rebelled was subdued. ✓ Heaven still con-

<sup>1</sup> [The name is here invariably spelt "Lohor."]

carry it even amidst that stormy sea of passion and of weakness. But he was mistaken. The nobles rose as one man, the rich plebeians took part with them, the commons were dissatisfied because Spurius Cassius desired, in accordance with federal rights and equity, to give to the Latin confederates their share in the assignation. Cassius had to die. There is some truth in the charge that he had usurped regal power, for he had indeed endeavoured like the kings to protect the free commons against his own order. His law was buried along with him, but its spectre thenceforward incessantly haunted the eyes of the rich, and again and again it rose from the tomb against them, until amidst the conflicts to which it led the commonwealth perished.

A further attempt was made to get rid of the tribunician power by securing to the plebeians equality of rights in a more regular and more effectual way. The tribune of the people, Gaius Terentilius Arsa, proposed in 462 the nomination of a commission of five men to prepare a general code of law by which the consuls should in future be bound in exercising their judicial powers. But the senate refused to sanction this proposal, and ten years elapsed ere it was carried into effect—years of vehement strife between the orders, and variously agitated moreover by wars and internal troubles. With equal obstinacy the party of the nobles hindered the concession of the law in the senate, and the plebs nominated again and again the same men as tribunes. Attempts were made to obviate the attack by other concessions. In the year 457 an increase of the tribunes from five to ten was sanctioned—a very dubious gain, and in the following year, by an *Italic plebiscitum* which was admitted among the sworn privileges of the plebs, the Aventine, which had hitherto been a temple grove and uninhabited, was distributed among the poorer burgesses as sites for buildings in heritable occupancy. The plebs took what was offered to them, but never ceased to insist in their demand for a legal code. At length, in the year 449, a compromise was effected, the senate in substance gave way. The preparation of a legal code was resolved upon, for that purpose, as an extraordinary measure, the centuries were to choose ten men who were at the same time to act as supreme magistrates in room of the consuls (*decemviri consulari imperio legibus scribundis*) and to this office not merely patricians, but plebeians also might be elected. These were here for the first time designated as eligible, though only for an extraordinary office. This was a great step in the progress towards full political equality, and it was not too dearly pur-

and) kings, and no one had been able to take it. In the space of a few months in the year 623, through the favour of God, the fort fell into the hands of Shamsu-d din. One year after this, A H 624, he attacked the fort of Mandur in the Siwálk hills<sup>1</sup> there also God bestowed victory on him, and much plunder fell into the hands of his followers. After another year, in A H 625 (1227 A.D.), an army was sent from Delhi towards the cities of Uch and Multán. The author of this book, Minháj Siry, had come from Ghor and Khurasan to Sind, Uch, and Multán, in the month of Rajab, A H 624. On the first of Rabi'ul rawal, A H 625 (Feb 1228), Sultán Sa'id Shamsu-d din reached the foot of the fort of Uch. Malik Nasiru d din Kubacha had pitched his camp at the gate of the fort of Amrawat<sup>2</sup> and all his followers and baggage were in ships and boats moored in front of the camp.

On Friday, after the time of prayer, some swift runners came from the direction of Multán and reported that Malik Nasiru-d din Aitamar had been detached from Lahore and had come to the fort of Multán, also that Sultan Shamsu-d din himself was marching towards Uch via Tabarhindh. Malik Nasiru-d din Kubacha fled with all his army in boats to Bhakkar, and ordered his minister, 'Amu-l Mulk Husun Ashghari, to remove all the treasure from the fort of Uch to Bhakkar.

Sultán Shamsu-d din sent two of his principal generals in advance with an army to the walls of Uch. One of these was Malik 'Izzu d din Muhammad Sálár, lord chamberlain, and the other was Kazlak Khan Sanjar Sultani, chief of Tabarhindh. Four days after, the Sultan himself arrived at Uch with all his elephants and baggage, and pitched his tents there. He sent his minister, Nizámu d din Muhammad Junaidi, with other nobles, in pursuit of Malik Nasiru-d din to the fort of Bhakkar. Fight-

<sup>1</sup> [Briggs in the translation of Firishta says, 'Mando and the country of Malwa, and this statement has been adopted by Elphinstone. It is manifestly wrong and there is no warrant for it in the text of Firishta which fully agrees with the statement of our author. The true version of Firishta's words is "He marched to the fort of Mandúr which fort, with all the Siwálk hills, he reduced."]

<sup>2</sup> [Var "Amrát, Ahrát"]

year 451 submitted their law to the people, and it was confirmed by them, engraven on ten tables of copper, and affixed in the Forum to the rostra in front of the senate house. But as a supplement appeared necessary, decemvirs were again nominated in the year 428, who added two more tables. Thus originated the first and only Roman code the law of the Twelve Tables. It proceeded from a compromise between parties, and for that very reason could not well include any changes of the existing law more comprehensive than mere regulations of police or enactments adapted to existing circumstances. Even in the system of credit no further alleviation was introduced than the establishment of a—probably low—maximum of interest (10 per cent) and the threatening of heavy penalties against the usurer—penalties, characteristically enough, far heavier than those of the thief—the harsh procedure in actions of debt remained at least in its leading features unaltered. Still less, as may easily be conceived, were changes contemplated in the rights of the orders. On the contrary the legal distinction between free holders and non freeholders, and the invalidity of marriage between patricians and plebeians were confirmed anew in the law of the city. In like manner, with a view to restrict the caprice of the magistrate and to protect the burgess, it was expressly enacted that the later law should uniformly have precedence over the earlier, and that no decree of the people should be issued against a single burgess. The most remarkable feature was the exclusion of an appeal to the *comitia tributa* in capital causes while the privilege of appeal to the centuries was guaranteed—which is perhaps to be explained by the circumstance that the penal jurisdiction was in fact usurped by the plebs and its presidents (p. 170) and the decemvirs thought that, without injuring its sworn liberties, they might do away at least with the worst case of this sort, the tribunician capital process. The real political significance of the measure resided far less in the contents of the legislation than in the formal obligation now laid upon the consuls to administer justice according to its forms of process and its rules of law, and in the public exhibition of the code by which the administration of justice was subjected to the control of publicity and the consul was compelled to dispense equal and truly common justice to all.

The end of the decemvirate is involved in much obscurity. It only remained—so runs the story—for the decemvirs to publish the last two tables and then to give place to the ordinary magistracy. But they delayed to do so under the pretext that

In A.H. 629 he marched for the conquest of Gwalior, and when his royal tents were pitched under the walls of the fort, Mílak Deo,<sup>1</sup> the accursed son of Basíl the accursed, began the war. For eleven months the camp remained under the fort. In the month of Sha'bán of the same year the author of this book came to the Court from Delhi and obtained audience. He was ordered to preach in turn at the door of the royal tent. Discourses were appointed to be delivered three times every week, and during the month of Ramazán on every day. But in other months the rule of three times was observed. Ninety-five times religious assemblies were convened at the royal tents. On both 'Yds, viz 'Yd-i fitr and 'Yd-i azha', the appropriate prayers were read at three different places in the army of Islám. At one of these, at the fort of Gwalior on the northern side, this well-wisher of the government, Minháj Siráj, was ordered on the Id-i azha' to read the Khutba and the prayers, and was honoured with the reward of a costly khil'at. The same rule was observed until the fort was conquered, on Tuesday, the 26th of Safar A.H. 630 (November, 1232).

The accursed Mílak Deo went out of the fort in the night time and fled. About seven hundred persons were ordered to receive punishment at the door of the royal tent.<sup>2</sup> After this, promotions were made in the ranks of the nobles and great officers. Malik Ziaú d dín Muhammad Junaidí was appointed chief justice, and the commander-in-chief Rashídu d dín (peace be to him') was made kotwal, and Minháj Siráj, the well-wisher of this government, was made law officer, and was entrusted with the supervision of the preaching, and of all religious, moral, and judicial affairs. Rich khil'ats and valuable largesses were distributed. May the Almighty aid the pure soul and generous heart of that most beneficent, heroic, and kind king! His majesty started on his return from the fort on the 2nd of Rabi'u-l awwal in the same

<sup>1</sup> [Firishta has the more likely name of "Deobal"]

<sup>2</sup> [Firishta says three hundred were put to death. *Siyásat*, the word here employed, signifies punishment inflicted at the discretion of a judge in cases not provided for by law, and there is no doubt that the punishment of death is intended.]

with its tribunes in the city, and encamped on the Aventine. Then at length, when civil war was imminent and the conflict in the streets might hourly begin, the decemvirs renounced their usurped and dishonoured power, and Lucius Valerius and Marcus Horatius negotiated a second compromise, by which the tribunate of the plebs was again established. The impeachment of the decemvirs terminated in the two most guilty, Appius Claudius and Spurius Oppius, committing suicide in prison, while the other eight went into exile and the state confiscated their property. The prudent and moderate tribune of the plebs, Marcus Duilius, prevented further judicial prosecutions by a seasonable use of his veto.

So runs the story as recorded by the pen of the Roman aristocrats; but, even leaving out of view the accessory circumstances, the great crisis out of which the Twelve Tables arose cannot possibly have had its termination in such romantic adventures, and in political issues so incomprehensible. The decemvirate was, after the abolition of the monarchy and the institution of the tribunate of the people, the third great victory of the plebs, and the exasperation of the opposite party against the institution and against its head Appius Claudius is sufficiently intelligible. The plebeians had through its means secured the right of eligibility to the highest magistracy of the community and a general code of law, and it was not they that had reason to rebel against the new magistracy, and to restore the purely patrician consular government by force of arms. This result can only have been sought by the party of the nobility, and if the patricio-plebeian decemvirs made the attempt to maintain themselves in office beyond their time, the nobility were certainly the first to enter the lists against them, on which occasion doubtless the nobles would not omit to urge that the stipulated rights of the plebs, and the tribunate in particular, should be also withheld. If the nobility thereupon succeeded in setting aside the decemvirs, it is certainly conceivable that after their fall the plebs should once more assemble in arms with a view to secure the results both of the earlier revolution of 464 and of the latest movement, and the Valerio-Horatian laws of 449 can only be understood as forming a compromise in this conflict.

The compromise as was natural proved very favourable to the plebeians, and again imposed severely felt restrictions on the power of the nobility. As a matter of course the tribunate of the people was restored, the code of law wrung from the aristocracy was adhered to and enforced, and the consuls

hibited many estimable qualities. He fought several battles, and by his boldness and bravery he made his name famous in the annals of Hindustán. He overthrew and sent to hell the accursed Bartuh (?) under whose hands and sword more than one hundred and twenty thousand Musulmans had received martyrdom. He overthrew the rebel infidels of Oudh and brought a body of them into submission.

From Oudh he determined to march against Lakhnautí, and the king placed the armies of Hindustán under his command. Several well-known chiefs, as Bolán (?) and Malik 'Aláu d dín Jání, went with him to Lakhnautí. Sultán Ghiyásu d dín 'Auz Khiljí had marched from Lakhnautí to invade the territory of Bang (Bengal), and had left no force at his centre of government. Malik Sa'id Náiru-d dín, on arriving there with his army, took peaceable possession of the fort of Basankot and of the city Ghiyásu-d dín 'Auz Khiljí, on receiving this intelligence, returned to Lakhnautí, and Malik Nasiru-d dín with his army met him and defeated him. Ghiyásu d dín, with all his relations and chiefs of Khilj, the treasures and the elephants, fell into his hands. He put Ghiyásu d dín to death and confiscated all his treasures. From thence he sent presents and offerings to all the sayids and the learned and religious men of Dehli and all towns.

When Shamsu-d dín received the khil'ats from the reigning Khalifa, he sent one of the most valuable with a red canopy to Lakhnautí, and Malik Nasiru-d dín thus received great honour and distinction. All the nobles and great men turned their eyes towards him as the heir of his father's kingdom, but the decrees of fate did not accord with the wishes of the people. One year and a-half afterwards he fell sick and died. When the news of his death reached Dehli all people were greatly distressed.

*Sultán Ruknu-d dín Firoz Shah*

Sultán Ruknu-d dín Firoz Sháh was a generous and handsome king, full of kindness and humanity. In liberality he was

Thus the struggle, which was begun in order to get rid of the tribunician power, terminated in the definite completion of its title to annul not only particular acts of administration on the appeal of the person aggrieved, but also any resolution of the constituent powers of the state at pleasure. The persons of the tribunes, and the uninterrupted maintenance of the college at its full number, were secured by the most sacred oaths and by every element of reverence that religion could present. No attempt to abolish this magistracy was ever from this time forward made in Rome.

and younger than Ruknu-d dín, commenced hostilities in Oudh. He seized upon the treasure of Lakhnauti in its passage to the apital, and plundered several towns of Hindustán. Malik 'Izzu-d dín Muhammad Sálári governor of Badáún revolted. Malik 'Izzu-d dín Kabír Khán, governor of Multán, Malik Saifu-d dín Kochi, governor of Hánsí, and Malik 'Aláu-d dín, governor of Lahore, conspired and broke out into rebellion. Sultán Ruknu-d dín led his army from Delhi to repress these malcontents, but his wazír, Nizámu-l mulk Muhammad Junaidí, took the alarm and deserted him at Kílú-gharí. He then went off towards Kol and joined 'Izzu-d dín Muhammad Sálári of Badáún. These two afterwards joined Malik Jání and Kochí. Sultán Ruknu-d dín marched on to Kahrám. The Turkí nobles and the royal attendants who were about the person of the Sultán leagued together, and, in the neighbourhood of Mansúrpúr and Nááín, Táju-d dín Muhammad, secretary and controller, Baháu-l Mulk Husain Asha'rí, Karímu-d dín Záhíd, Zíáu-l Mulk son of Nizámu-l Mulk Junaidí, Nizámu-d dín Sharkáni, Khwája Rashídu-d dín Málkání, Amír Fakhru-d dín, and other confederate officials, killed the Tázík.<sup>1</sup> In the month of Rabí'u-l awwal 634 H. (November, 1236 A.D.), Raziya, eldest daughter of the late Sultán, quarrelled with the mother of Sultán Ruknu-d dín, and the Sultán was constrained to return to Delhi. His mother had attempted to capture and kill Sultán Raziya, but the people rose, and the latter seized upon the royal palace and made the mother of the Sultán prisoner.

When Ruknu-dín arrived at Kílú-gharí he found that rebellion had broken out, and that his mother had been made prisoner. The guards and Turkish nobles came into the city, and joining Raziya, proffered their allegiance to her, and raised her to the throne. Being thus elevated to the throne, she sent an army of Turks and nobles to Kílú-gharí and they brought Sultán

<sup>1</sup> و دیگر جماعت کارداران ر. ش. را شهید کردند [Firishta, more intelligibly, says they desecrated Ruknu-d dín]

that the tribunate of the plebs could never be set aside, the plebeian aristocracy could not do better than seize this powerful lever and employ it for the removal of the political disabilities of their order

Nothing shows so clearly the defencelessness of the patrician nobility when opposed to the united plebs, as the fact that the fundamental principle of the exclusive party—the invalidity of marriage between patricians and plebeians—fell at the first blow scarcely four years after the decemviral revolution. In the year 443 it was enacted by the Canuleian law, that a marriage between a patrician and a plebeian should be valid as a true Roman marriage, and that the children begotten of such a marriage should follow the rank of the father. At the same time it was further carried that, in place of consuls, military tribunes—as a rule apparently six, as many as there were tribunes to the legion—with consular powers<sup>1</sup> and consular

<sup>1</sup> The hypothesis that legally the full *imperium* belonged to the patrician and only the military *imperium* to the plebeian, consular tribunes not only raises many questions which its advocates cannot answer—as to the course followed, for example, in the event of the election falling, as was by law quite possible, wholly on plebeians—but conflicts with the fundamental principle of Roman constitutional law, that the *imperium* that is to say, the right of commanding the burgess in name of the community, was functionally indivisible and capable of no other limitation at all than a territorial one. There was a province of common law and a province of military law, in the latter of which the *provocatio* and other regulations of the common law were not applicable, there were magistrates, such as the proconsuls, who were empowered to discharge functions simply in the latter, but there were, in the strict sense of law, no magistrates with merely jurisdictional, as there were none with merely military, *imperium*. The proconsul was in his province, just like the consul, at once commander-in-chief and supreme judge and was entitled to send to trial actions not only between non-burgesses and soldiers, but also between one burgess and another. Even when, on the institution of the praetorship, the idea arose of apportioning special functions to the *magistratus maiores*, this division of powers had more of a practical than of a strictly legal force: the *praetor urbanus* was primarily indeed the supreme judge, but he could also convoke the centuries, at least for certain cases, and could command the army, the consul in the city held primarily the supreme administration and the supreme command, but he too acted as a judge in cases of emancipation and adoption—the functional indivisibility of the supreme magistracy was therefore, even in these instances, very strictly adhered to on both sides. It thus appears that the military as well as jurisdictional authority, or, laying aside these abstractions foreign to the Roman law of this period, the absolute magisterial power, virtually pertained to the plebeian consular tribunes as well as to the patrician. But the supposition of Becker (*Handb.* ii. 2, 137) is highly probable, that—for the same reasons for which, at a subsequent period the exclusively patrician praetorship was associated with the consulship common to both orders—during the consular tribunate the plebeian members of the college were practically excluded from jurisdiction, and so far certainly the consular tribunate prepared the way for the subsequent actual division of jurisdiction between consuls and praetors.

Chief wife of his majesty, and she resided in the chief royal palace in the Kushk-firozí. The Sultán discerned in her countenance the signs of power and bravery, and, although she was a girl and lived in retirement, yet when the Sultán returned from the conquest of Gwalior, he directed his secretary, Tájul-Malik Mahmúd, who was director of the government, to put her name in writing as heir of the kingdom, and successor to the throne. (Before this farmán was executed, the servants of the State, who were in close intimacy with his majesty, represented that, seeing the king had grown up sons who were worthy of the dignity, what wisdom could there be in making a woman the heir to a Muhammadan throne, and what advantage could accrue from it? They besought him to set their minds at ease, for the course that he proposed seemed very inexpedient.) (The king replied, My sons are devoted to the pleasures of youth, and no one of them is qualified to be king. They are unfit to rule the country, and after my death you will find that there is no one more competent to guide the State than my daughter. It was afterwards agreed by common consent that the king had judged wisely.) ✓

When Sultán Raziya succeeded to the throne, all things reverted to their old order. But the wazír of the State, Nízámul-Mulk Junaidí did not give in his adhesion. He, together with Malik Jání, Malik Kochí, Malik Kabír Khán, and Malik 'Izzud-dín Muhammad Sálári, assembling from different parts of the country at the gates of Dehli, made war against Sultán Raziya, and hostilities were carried on for a long time. After a while, Malik Nasíru-dín Tábashí Mu'izzí, who was governor of Oudh, brought up his forces to Dehli to the assistance of Sultán Raziya. When he had crossed the Ganges, the generals, who were fighting against Dehli, met him unexpectedly and took him prisoner. He then fell sick and died.

The stay of the insurgents at the gates of Dehli was protracted. Sultán Raziya, favoured by fortune, went out from the city and ordered her tents to be pitched at a place on the banks of the

greater political importance, however, than the refusal of the *jus imaginum* and of the honour of a triumph was the circumstance, that the exclusion of the plebeians sitting in the senate from debate necessarily ceased in respect to those of their number who, as designated or former consuls, ranked among the senators whose opinion had to be asked before the rest, so far it was certainly of great importance for the nobility to admit the plebeian only to a consular office, and not to the consulate himself.

But notwithstanding these vexatious disabilities the privileges of the clans, so far as they had a political value, were legally superseded by the new institution, and, had the Roman nobility been worthy of its name, it would now have given up the struggle. But it did not. Though a rational and legal resistance was thenceforth impossible, spiteful opposition still found a wide field of petty expedients, of chicanery and intrigue and, far from honourable or politically prudent as such resistance was, it was still in a certain sense fruitful of results. It certainly procured at length for the commons concessions, which could not easily have been wrung from the united Roman aristocracy, but it also prolonged civil war for another century and enabled the nobility, in defiance of those laws, practically to retain the government in their exclusive possession for several generations longer.

The expedients of which the nobility availed themselves were as various as a paltry policy could suggest. Instead of deciding at once the question as to the admission or exclusion of the plebeians at the elections, they conceded what they were compelled to concede only with reference to the elections immediately impending. The vain struggle was thus annually renewed whether patrician consuls or military tribunes from both orders with consular powers should be nominated, and among the weapons of the aristocracy this mode of conquering an opponent by wearying and annoying him proved by no means the least effectual.

Moreover they broke up the supreme power which had hitherto been undivided, in order to delay their inevitable defeat by multiplying the points to be assailed. Thus the adjustment of the budget and of the burgess and taxation-rolls, which ordinarily took place every fourth year and had hitherto been managed by the consuls, was entrusted in the year 439 to two valuers (*censores*), nominated from among the nobles by the centuries for a period, at the most, of eighteen



"King" always produced on the multitude in Rome an effect similar to that of the cry of "Pope" on the masses in England. Titus Quinctius Capitolinus, who was for the sixth time consul, nominated Lucius Quinctius Cincinnatus, who was eighty years of age, as dictator without appeal, in open violation of the solemnly sworn laws (p 284). Maelius, summoned before him, seemed disposed to disregard the summons, and the dictator's master of the horse, Gaius Servilius Ahala, slew him with his own hand. The house of the murdered man was pulled down, the corn from his granaries was distributed gratuitously to the people, and those who threatened to avenge his death were secretly made away with. Thus disgraceful judicial murder—a disgrace even more to the credulous and blind people than to the malignant party of young patricians—passed unpunished, but if that party hoped by such means to undermine the right of appeal, it violated the laws and shed innocent blood in vain.

Electioneering intrigues and priestly trickery proved in the hands of the nobility more efficient than any other weapons. The extent to which the former must have prevailed is best seen in the fact that in 323 it appeared necessary to issue a special law against electioneering practices, which of course was of little avail. When the voters could not be influenced by corruption or threatening, the presiding magistrates stretched their powers—admitting, for example, so many plebeian candidates that the votes of the opposition were thrown away amongst them, or omitting from the list of candidates those whom the majority were disposed to choose. If in spite of all this an obnoxious election was carried, the priests were consulted whether no vitiating circumstance had occurred in the auspices or other religious ceremonies on the occasion, and some such flaw they seldom failed to discover. Taking no thought as to the consequences and unmindful of the wise example of their ancestors, the people allowed the principle to be established that the opinion of the skilled colleges of priests as to omens of birds, portents, and the like was legally binding on the magistrate, and thus put it into their power to cancel any state act—whether the consecration of a temple or any other act of administration, whether law or election—on the ground of religious informality. Thus it happened that, although the eligibility of plebeians had been already established by law in 311 and thenceforward continued to be legally recognised, it was only in 248 that the first plebeian attained the



interceded for him and released him with his own money, at the same time he offered his lands to sale, declaring loudly, that as long as he possessed a foot's breadth of land such iniquities should not occur. This was more than enough to unite the whole government party, patricians as well as plebeians, against the dangerous innovator. The trial for high treason, the charge of having meditated a renewal of the monarchy, wrought on the blind multitude with the insidious charm which belongs to stereotyped party phrases. They themselves condemned him to death, and his renown availed him nothing save that it was deemed expedient to assemble the people for the bloody assize at a spot whence the voters could not see the rock of the citadel—the dumb monitor which might remind them how their fatherland had been saved from the extremity of danger by the hands of the very man whom they were now consigning to the executioner ( $\frac{370}{384}$ ).

While the attempts at reformation were thus arrested in the bud, the social disorders became still more crying, for on the one hand the domain possessions were ever extending in consequence of successful wars, and on the other hand debt and impoverishment were ever spreading more widely among the farmers, particularly from the effects of the severe war with Veii ( $\frac{348}{406}$   $\frac{358}{376}$ ) and of the burning of the capital in the Gallic invasion ( $\frac{366}{376}$ ). It is true that, when in the Veientine war it became necessary to prolong the term of service of the soldiers and to keep them under arms not—as hitherto at the utmost—only during the summer, but also throughout the winter, and when the farmers, foreseeing their utter economic ruin, were on the point of refusing their consent to the declaration of war, the senate resolved on making an important concession. It charged the pay, which hitherto the tribes had defrayed by contribution, on the state chest, or in other words on the produce of the indirect revenues and the domains ( $\frac{348}{406}$ ). It was only in the event of the state-chest being at the moment empty that a general contribution (*tributum*) was imposed on account of the pay, and in that case it was considered as a forced loan and was afterwards repaid by the community. The arrangement was equitable and wise, but, as it was not based upon the essential condition of turning the domains to proper account for the benefit of the exchequer, there were added to the increased burden of service frequent contributions, which were none the less ruinous to the man of small means that they were officially regarded not as taxes but as advances.

finally settle the matter in concurrence with him. It so happened that when Sadru-l mulk came to the house of the wazir, one of the confidential attendants of the king was present. When the wazir heard of the arrival of Sadru-l mulk, he concealed this trusty servant in a place where he could hear the conversation. Sadru-l mulk entered and proceeded to talk about the removal of the king and to ask the co-operation of the wazir. The minister desired his visitor to return and say that he would wait upon the gentlemen as soon as he had performed his ablutions. Sadru-l mulk had no sooner departed than the wazir released the Sultán's man and asked him if he had heard what had passed. He then directed him to go quickly and tell his master that the best thing he could do would be to take horse and to proceed against the conspirators and scatter them.

The facts being reported to the Sultán by his faithful adherent, he instantly mounted and dispersed the plotters. Badru-d dín Sankar joined the king's party, and the Sultán returned to his palace, where he held a darbar. Badru-d dín was ordered to depart instantly to Badáún and assume the management of that province; Kázi Jalálu-d dín Káshání was dismissed from his post of Kázi, and Kázi Kabíru-d dín and Shaikh Muhammad Shámí took the alarm and fled the city. After four months, Badru-d dín Sankar returned to the capital, but the Sultán's heart was entirely alienated from him, so he ordered him to be imprisoned. The king also directed Jalálu-d dín Músawi to be apprehended, and he had them both slain in prison.

These proceedings set the hearts of the nobles against the Sultán; they were alarmed and had no longer any confidence in him. The wazir also longed to exact vengeance for the wounds he had received. The nobles, generals, and Turks all became disaffected, while on his side the Sultán was alarmed by their proceedings. In the end this uneasy feeling spread like an epidemic, and was the cause of the fall of the Sultán and of rebellion among his people.

One of the most important events in the reign of Mu'izzu-d

tion for the suffering debtors, and employment for the day-labourers that were destitute of work. Abolition of privileges, social reform, civil equality—these were the three great ideas, of which it was the design of this movement to secure the recognition. Vainly the patricians exerted all the means at their command in opposition to these legislative proposals, even the dictatorship and the old military hero Camillus were able only to delay, not to prevent, their accomplishment. Willingly would the people have separated the proposals, of what moment to it were the consulate and custodianship of oracles, if only the burden of debt were lightened and the public lands were free! But it was not for nothing that the plebeian nobility had adopted the popular cause, it included the proposals in one single project of law, and after a long struggle—it is said of eleven years—the senate at length gave its consent and they passed in the year 367.

With the election of the first non patrician consul—the choice fell on one of the authors of this reform, the late tribune of the people, Lucius Sextius Lateranus—the gentile aristocracy ceased both in fact and in law to be numbered among the political institutions of Rome. When after the final passing of these laws the former champion of the clans, Marcus Turius Camillus, founded a sanctuary of Concord at the foot of the Capitol—upon an elevated platform, where the senate was wont frequently to meet, above the old meeting place of the burgesses, the Comitium—we gladly cherish the belief that he recognised in the legislation thus completed the close of a dissension only too long continued. The religious consecration of the new concord of the community was the last public act of the old warrior and statesman, and a worthy termination of his long and glorious career. He was not wholly mistaken, the more judicious portion of the clans evidently from this time forward looked upon their exclusive political privileges as lost, and were content to share the government with the plebeian aristocracy. In the majority, however, the patrician spirit proved true to its incorrigible character. On the strength of the privilege which the champions of legitimacy have at all times claimed of obeying the laws only when these coincide with their party interests, the Roman nobles on various occasions ventured, in open violation of the stipulated arrangement, to nominate two patrician consuls. But, when by way of answer to an election of that sort for the year 411 the community in the year following formally resolved to allow both consular positions to be filled

fiThe army which had been sent against the Mughals reached the banks of the Biyáh. There the minister Mahzabu-d dín onzámu-l mulk, who cherished hopes of vengeance and of restoring the Sultán from the throne, wrote a letter secretly to him. In this letter he represented that the generals and Turks in the army were never likely to become loyal, and that the best course for the king to adopt would be to send orders for him (the wazír) and Kutbu-d dín to kill all the generals and Turks in any way they could, and so free the kingdom of them.

When this letter arrived, the Sultán hastily and rashly, without thought or consideration, wrote the desired order, and sent it off. On its reaching the wazír he showed it to the generals and Turks, and told them how the king wished to deal with them. They all at once revolted, and at the suggestion of Khwája Mahzabu-d dín they formed a plot for the removal and deposition of the king.

On the Sultán's receiving intelligence of this revolt of his generals and army, he sent the Shaikhu-l Islám Saiyid Kutbu-d dín to endeavour to allay the outbreak. He accordingly went to the army, but exerted himself to increase the strife.<sup>1</sup> He returned with the army at his heels, and hostilities commenced under the walls of the capital. The author, Minháj Siráj, and some of the chief men of the city, endeavoured in vain to allay the strife and make peace.

The army reached the city on Saturday, the 19th Sha'bán, 639, and the siege went on until the month of Zí-l ka'da. Many were killed on both sides, and the suburbs of the city were laid waste. The reason of these protracted hostilities was that there was in the king's service a man named Fakhru-d dín Mubárah Sháh Farkhí, who was chief of the carpet spreaders (*muhtar-farrásh*). This man had gained the favour of the king, and had great ascendancy over him. Whatever he advised the king performed, and the counsels of the *farrásh* were not for peace.

<sup>1</sup> [در اثارت آن فتنه مبالغت نمود.]

ventured to exercise—was withdrawn from it by the Publilian law of 431 B.C. and by the Maenian law which was not passed before the middle of the fifth century, in so far that it had to bring forward its constitutional objections, if it had any such, when the list of candidates was exhibited or the project of law was brought in, which practically amounted to a regular announcement of its consent beforehand. In this character, as a purely formal right, the confirmation of the decrees of the people still continued in the hands of the nobility down to the last age of the republic.

The clans retained, as may naturally be conceived, their religious privileges longer. Indeed, several of these, which were destitute of political importance, were never interfered with, such as their exclusive eligibility to the offices of the three supreme *flamines* and that of *rex sacrorum* as well as to the membership of the colleges of Salii. On the other hand the two colleges of pontifices and of augurs, with which a considerable influence over the courts and the comitia were associated, were too important to remain in the exclusive possession of the patricians. The Ogulnian law of 300 B.C. accordingly threw these also open to plebeians, by increasing the number of pontifices from five to eight, and that of augurs from six to nine, and equally distributing the stalls in the two colleges between patricians and plebeians.

The two hundred years' strife was brought at length to a close by the law of the dictator Q. Hortensius (287, 286 B.C.) which was occasioned by a dangerous popular insurrection, and which declared that the decrees of the plebs should stand on an absolute footing of equality—instead of their earlier conditional equivalence—with those of the whole community. So greatly had the state of things been changed that that portion of the burghesses, which had once possessed exclusively the right of voting, thenceforth no longer took even a part in the most important and most frequent form of the votes which bound all the burghesses.

The struggle between the Roman clans and commons was thus substantially at an end. While the nobility still preserved out of its comprehensive privileges the *de facto* possession of one of the consulships and one of the censorships, it was excluded by law from the tribunate, the plebeian aedileship, the second consulship and censorship, and from participation in the votes of the plebs which were legally equivalent to votes of the whole body of burghesses. As a righteous retribution for its perverse

had blown over, and they returned to the capital, the Sultán might make an end of them

On Sunday, 2nd Jumáda-l ákhir, an order was issued directing Sayyid Kutbu-d dín and Kází Shamsu d dín Bahraichí to proceed to their estates

When the letters which the conspirators sent from the city reached Malik Katlagh Khán and Malik Kishlu Khan, they instantly started with all their forces to Dehli, and in two days and a half they accomplished the distance, one hundred kos On Thursday, 6th Jumada-l ákhir, they alighted at their gardens (outside the city), and in the morning, after prayers, they came to the gate of the city and made the circuit of the walls At night they pitched their camp within sight of Dehli, between the Jumna,<sup>1</sup> Kilu-gharí and the city By the mercy of God it so happened that two days before these nobles came to their gardens on the Jumna, in reliance upon the promises held out in the letters, a number of the conspirators had gone out of the city When the nobles heard of this they became very cautious in their proceedings

The Sultan ordered the gates of the city to be closed, and as the army was absent every preparation was made for war 'Aláu d dín Ajyáz Zanjání, lord chamberlain, the deputy of the lord chamberlain, Ulugh Kotwal Beg Jamálu d dín Naishapurí, and the *durán i'arz i mamalíl*, exerted themselves most laudably in making the city secure and in arming the fighting men At night the nobles, officers, and chief men were posted on the walls of the city On the following morning, a Friday, the Almighty showed the inhabitants a pleasant sight Kishlu Khán had made up his mind to retire, and sundry other nobles and the mother of the Sultán, when they perceived this, all made up their minds to retreat<sup>1</sup> The greater part of their forces, however, would not consent to retreat with them, but encamped near the city Many of the chief men and officers asked forgiveness, and

<sup>1</sup> [The text has *Jud*, which I take to be a mistake for *Jun*=Jumna]

annihilate civil equality and in reality destroy the republican commonwealth. The preservation and increase of the middle class, and in particular of the farmers, formed therefore for every patriotic statesman of Rome a problem not merely important, but the most important of all. The plebeians, moreover, recently called to take part in the government, greatly indebted as they were for their new political rights to the proletariat which was suffering and expecting help at their hands, were politically and morally under special obligation to attempt its relief by means of government measures, so far as relief was by such means at all attainable.

Let us first consider how far any real relief was contained in that part of the legislation of 322 which bore upon the question. That the enactment in favour of the free day labourers could not possibly accomplish its object—namely, to check the system of farming on a large scale and by means of slaves, and to secure to the free proletarians at least a share of work—is self-evident. In this matter legislation could afford no relief, without shaking the foundations of the civil organisation of the period in a way that would reach far beyond its immediate horizon. In the question of the domains, again, it was quite possible for legislation to effect a change, but what was done was manifestly inadequate. The new domain arrangement, by granting the right of driving very considerable flocks and herds upon the public pastures, and that of occupying domain land not laid out in pasture up to a maximum fixed on a high scale, conceded to the wealthy a very important and perhaps even disproportionate prior share in the produce of the domains, and by the latter regulation conferred upon the domain tenure, although it remained in law liable to pay a tenth and revocable at pleasure, as well as upon the system of occupation itself, somewhat of a legal sanction. It was a circumstance still more suspicious, that the new legislation neither supplemented the existing and manifestly unsatisfactory provisions for the collection of the pasture money and the tenth by compulsory measures of a more effective kind, nor prescribed any thorough revision of the domanial possessions, nor appointed a magistracy charged with the carrying of the new laws into effect. The distribution of the existing occupied domain land partly among the holders up to a fair maximum, partly among the plebeians who had no property, in both cases in full ownership, the abolition in future of the system of occupation, and the institution of an authority empowered to make immediate distribution of any future

4th Jumáda-l ákhir, two elephants with treasure came to the court from Lakhnauti. On the 6th of the same month, the Shaikhu-l Islám Jamálu-d dín Bastámí died, and on the 24th Kázi Kabíru-d dín also departed. (May God have mercy on them!) By the favour of the Sultán their *mansabs* were continued to their sons. In Rajab Malik Kishlí Khán-i a'zam Barbak Aibak died, and the office of lord chamberlain was given to his son, Malik 'Aláu-d dín Muhammad. On the 1st Ramazán, Imám Hamídu-d dín Márikala died, and the Sultán graciously continued his *in'áms* to his sons.

After all this trouble the State enjoyed repose; troubles were appeased and wounds were healed. All things went on prosperously. On the 29th Ramazán the Almighty in his bounty gave the Sultán a son. The gifts and honours which were showered on the rich and poor exceeded all powers of description. At the end of Shawwál, Malik Tamar Khán Sanjar under the royal orders returned to Dehli with his army.

*Fifteenth Year of the Reign—Hijra 658 (1260 A.D.)*

The new year opened auspiciously. On the 16th Ramazán Ulugh Khán was sent into the hills of Dehli, to chastise the rebel inhabitants of Mewát, and to intimidate their Deo. Ten thousand horsemen in armour, and a large army of brave and warlike soldiers were under his command. Great booty was gained, and many cattle captured. Defiles and passes were cleared, strong forts were taken, and numberless Hindús perished under the merciless swords of the soldiers of Islám.

I have resolved, upon reflection, to close my history at this place and with this victory. If life and opportunity are given to me, I may hereafter record any remarkable events that may happen. I beg the indulgent reader to forgive my errors, faults, and omissions, I pray that God may preserve in continued prosperity my gracious Sultán, and I hope that my composition of this work may be deemed meritorious both in this world and the next.<sup>1</sup>

<sup>1</sup> [I have here greatly compressed the author's flourishes.]

have been refused, perhaps even judicial claims for repayment may have been allowed, moreover notorious usurers were not unfrequently summoned before the bar of the people and readily condemned by the tribes to heavy fines. Still more important was the alteration of the procedure in cases of debt by the Poetelian law ( $\frac{4}{3}\frac{2}{3}$  or  $\frac{4}{11}$ ). On the one hand it allowed every debtor who declared on oath his solvency to save his personal freedom by the cession of his property, on the other hand it abolished the former summary proceedings in execution on a loan debt, and laid down the rule that no Roman burgess could be led away to bondage except upon the sentence of jurymen.

It is plain that all these expedients might perhaps in some respects mitigate, but could not remove, the existing economic disorders. The continuance of the distress is shown by the appointment of a bank-commission to regulate the relations of credit and to provide advances from the state chest in  $\frac{4}{3}\frac{2}{3}$ , by the appointment of legal term payments in  $\frac{4}{3}\frac{2}{3}$ , and above all by the dangerous popular insurrection about  $\frac{4}{3}\frac{2}{3}$ , when the people, unable to obtain new facilities for the payment of debts, marched out to the Janiculum, and nothing but a seasonable attack by external enemies, and the concessions contained in the Hortensian law, restored peace to the community. It is, however, very unjust to reproach these earnest attempts to check the impoverishment of the middle class with their inadequacy. The belief that it is useless to employ partial and palliative means against radical evils, because they only remedy them in part, is an article of faith, never preached unsuccessfully by baseness to simplicity, but it is none the less absurd. On the contrary, we may ask whether the vile spirit of demagogism had not even thus early laid hold of this matter, and whether expedients were really needed so violent and dangerous as, for example, the deduction of the interest paid from the capital. Our documents do not enable us to decide the question of right or wrong in the case. But we recognise clearly enough that the middle class of freeholders still continued economically in a perilous and critical position, that various endeavours were made by those in power to remedy it by prohibitory laws and by respites, but of course in vain, and that the aristocratic ruling class continued to be too weak in point of control over its members, and too much entangled in the selfish interests of its order, to relieve the middle class by the only effectual means at the disposal of the government—the entire and unreserved abolition of the system of occupying the state lands—and by

Ulugh was seen to be a youth of great promise, so the king made him his personal attendant, placing, as one might say, the hawk of fortune on his hand. (So that in after times, in the reigns of this monarch's children, it might come to pass that this youth should save the kingdom from the violence and machinations of its foes, and raise it to a high pitch of glory and honour.)

At this period, while he was discharging his duties, by the decree of fate, he recovered his brother Kishli Khán (afterwards) lord chamberlain, at which he rejoiced greatly. His power became conspicuous. When Sultán Ruknu-d dín came to the throne, he went off along with the Turks from Dehli to Hindustán, and when the Turks were brought back he returned to Dehli in their army. He was imprisoned for some days and subjected to some indignity. (The design in this may have been (God knows!) that he should taste the sufferings of the miserable, so that when he attained to the sovereign dignity he might have compassion on them, and be thankful for his own exaltation.) [*A story is introduced here.*]

Let us return to our history. When Sultán Raziya ascended the throne Ulugh Khán continued to be one of the royal attendants (*Khássa-dár*) till fortune favoured him, and he became chief huntsman (*Amir shikár*). Fate proclaimed that the earth was to be the prey of his fortune and the world the game of his sovereignty. He held this office and discharged its duties for some time, till the sun of the supremacy of Raziya set and that of Mu'izzu-d dín Bahrám Sháh shone forth. Fortune still befriended him. After remaining some time in his position of chief huntsman, performing his service, and exhibiting marks of ability, he was made master of the horse. The steed of sovereignty and empire thus came under his bridle and control. When Badru-d dín Sankar became lord chamberlain, he showed a paternal interest in Ulugh Khán, and took such care of his advancement that he was raised to a higher position, and received a grant of the lands of Ríwári. He went to that place,

as little conspicuous as possible. The whole system of Rome tended to train up her burgesses to an average character of ability, but not to bring into prominence the gifts of genius. The growth of culture among the Romans did not at all keep pace with the development of the resources of the community, and it was instinctively repressed rather than promoted by those in power. That there should be rich and poor, could not be prevented, but (as in a genuine community of farmers) the farmer as well as the day-labourer personally guided the plough, and to the rich as well as the poor the good economic rule applied that they should live with uniform frugality and above all should hoard no unproductive capital at home—excepting the salt-cellar and the sacrificial ladle, no silver articles were at this period seen in any Roman house. Nor was this of little moment. In the mighty successes which the Roman community externally achieved during the century from the last Veientine down to the Pyrrhic war we perceive that the patriciate has now given place to the farmers, that the fall of the highborn Fabian would have been not more and not less lamented by the whole community than the fall of the plebeian Decian was lamented alike by plebeians and patricians, that the consulate did not of itself fall even to the wealthiest aristocrat, and that a poor husbandman from Sabina, Manius Curius, could conquer king Pyrrhus in the field of battle and chase him out of Italy without ceasing to be a simple Sabine farmer and to cultivate in person his own bread-corn.

In regard however to this imposing republican equality, we must not overlook the fact that it was to a considerable extent *only formal*, and that an aristocracy of a very decided stamp grew out of it or rather was contained in it from the very first. The non patrician families of wealth and consideration had long ago separated from the plebs, and leagued themselves with the patriciate in the participation of senatorial rights and in the prosecution of a policy distinct from that of the plebs and very often counteracting it. The Licinio Sextian laws abrogated legal distinctions within the ranks of the aristocracy, and changed the character of the barrier which excluded the plebeian from the government, so that it was no longer an obstacle insurmountable in law, but a hindrance difficult to be surmounted in practice. In both ways fresh blood was mingled with the ruling order in Rome, but in itself the government still remained aristocratic. In this respect the Roman community was a genuine farmer commonwealth, in which

infidels and cleared the roads and neighbouring country from insurgents.)

In the year 643 the author under the imperial orders, left Lakhnauti with his family and returned to the capital in company with Tughán Khán Tughril. In this year the accursed Mankúti (Mangú-Khán), who was one of the generals of the Mughals and a prince of Turkistán, marched from the neighbourhood of Tálikán and Kunduz into Sindh. He laid siege to Uchh, one of the most renowned fortresses of Sindh, and equal to Mansúra.<sup>1</sup> There was a eunuch in (command of) the fort who belonged to the household of Táju-d dín. Abú Bakr-Kabír Khán Aksunkar was chief justice, and Mukhlisu-d dín was *lotwal*. (When intelligence of this inroad reached the Court, Ulugh Khán made known his views to the Sultán and prepared an army to oppose the Mughals. The princes and nobles were opposed to this expedition,<sup>2</sup> but Malik Ulugh Khán was very earnest about it.)

When the royal army marched towards the seat of warfare, the Khákán-i Mu'azzam<sup>3</sup> Ulugh Khán (may his reign endure!) appointed guides to lead the way, so that the marches might be made with the greatest celerity. In ordinary cases eight *kos* would be one day's march, but under his arrangements, twelve *kos* or even more were accomplished. The army arrived on the banks of the Biyáh, made the transit of that river, and reached Lahore on the banks of the Rávi. He there showed great energy and bravery in pushing forward the expedition, and incited the Sultán and the nobles to be earnest for the repulse of the infidel Mughals.

On Monday, 25th Shabán, 643 H. (Nov. 1245), intelligence

و حصن آنچه را که در قلاع نامدار بلاد سنده است و ارض منصوره در [ <sup>1</sup> ]  
 بند آن داد The words are not very precise, but the mention of Mansúra is  
 curious ] <sup>2</sup> [استنکاری می آورد]

<sup>3</sup> [In this memoir the title "Khákán-i Mu'azzam" is generally employed, but for the sake of uniformity and simplicity I have substituted "Ulugh Khán."] ]

presence of the interests of the common weal. The patrician Appius Claudius and the farmer Manius Curius—vehement in their personal antagonism—jointly by wise counsel and vigorous action conquered king Pyrrhus, and while Gaius Fabricius as censor inflicted penalties on Publius Cornelius Rufinus for his aristocratic sentiments and aristocratic habits, this did not prevent him from supporting the claim of Rufinus to a second consulate on account of his recognised ability as a general. The breach was already formed, but the adversaries still shook hands across it.

The termination of the struggles between the old and new burgesses, the various and comparatively successful endeavours to relieve the middle class, and the germs—already making their appearance amidst the newly acquired civic equality—of the formation of a new aristocratic and a new democratic party, have thus been passed in review. It remains that we describe the shape which the new government assumed amidst these changes, and the positions in which after the political abolition of the nobility the three elements of the republican commonwealth—the burgesses, the magistrates, and the senate—stood towards each other.

The burgesses in their ordinary assemblies continued as hitherto to be the highest authority in the commonwealth and the legal sovereign. But it was settled by law that—apart from the matters committed once for all to the decision of the centuries, such as the election of consuls and censors—voting by districts should be as valid as voting by centuries. A regulation introduced as regards the patricio plebeian assembly by the Valerio Horatian law of  $\frac{30}{44}$  (p. 283) and extended by the Publilian law of  $\frac{41}{33}$ , but enacted as regards the plebeian separate assembly by the Hortensian law about  $\frac{46}{26}$  (p. 297). We have already noticed that the same individuals, on the whole, were entitled to vote in both assemblies, but that—apart from the exclusion of the patricians from the plebeian separate assembly—in the general assembly of the districts all entitled to vote were on a footing of equality, while in the centuriate comitia the working of the suffrage was graduated with reference to the means of the voters, and in so far, therefore, the change was certainly a levelling and democratic innovation. It was a circumstance of far greater importance that, towards the end of this period, the primitive freehold basis of the right of suffrage began for the first time to be called in question. Appius Claudius, the boldest innovator known in Roman

army into three bodies and fled. Many Musulmán and Hindú prisoners obtained their freedom. (This victory is attributable to the activity, bravery, and strategy of Ulugh Khán; but for him the victory would not have been gained (may the Almighty keep him safe under his protection!) >

After the achievement of this victory Ulugh Khán advised that the royal army should march towards the river Sodra<sup>1</sup> in order to impress the minds of the enemy with the great power, bravery, and numbers of the army of Islám. So the army proceeded to the banks of the Sodra, and from thence, on the 27th Shawwal, 643 H., it returned to Dehli, which city it reached on Monday 12th Zí-l-hijja 643 H. (May 1246).

For some time past the mind of Sultán 'Aláu-d dín had been alienated from the nobles, he was seldom visible to the army, and besides this he was given up to depravity. The nobles all agreed to write secretly from Dehli to Násiru-d dunyá wau-d dín, inviting him to set up his pretensions to the throne. On Sunday, 23rd Muharram, 644 (June 1246) he came to Dehli and sat upon the seat of empire. The Khutba was read and the coin of the realm was struck in the auspicious name of Násir. So Ulugh Khán represented how the accursed foe had in the previous year fled before the armics of Islám, and had gone to the upper parts (*taraf-i bálá*). It now seemed advisable that the royal army should proceed in that direction. This advice was approved and orders were given for the march. • On Monday, the 1st Rajab, 644 H., the army set forth and proceeded to the river Sodra. Here Ulugh Khán was detached with several nobles and generals to make an incursion into the hills of Júd. The Rána of these hills had acted as guide to the infidel Mughals, and it was now determined to take vengeance. Ulugh Khán accordingly attacked the hills of Júd, and the countries on the Jailam, and led his forces as far as the banks of the Indus. All the women and dependants of the infidels which were in those parts were obliged to flee, and a party of the Mughal army

<sup>1</sup> [The Chináb.]

tendency to enlarge their range, but in a manner very gradual. The increase in the number of magistrates to be elected by the people falls, to some extent, under this head, it is an especially significant fact that from  $\frac{392}{382}$  the military tribunes of one legion, and from  $\frac{443}{311}$  four tribunes in each of the first four legions respectively, were nominated no longer by the general, but by the burgesses. During this period the burgesses did not on the whole interfere in administration, only their right of declaring war was, as was reasonable, emphatically asserted, and held to extend also to cases in which a prolonged armistice concluded instead of a peace expired and what was not in law but in fact a new war began ( $\frac{392}{382}$ ). In other instances a question of administration was only submitted to the people when the governing authorities came into collision and one of them referred the matter to the people, or when in difficult or invidious questions the government voluntarily placed the decision in their hands. Examples of such collisions occurred when the leaders of the moderate party among the nobility, Lucius Valerius and Marcus Horatius, in  $\frac{398}{349}$ , and the first plebeian dictator, Gaius Marcius Rutilus, in  $\frac{398}{338}$ , were not allowed by the senate to receive the triumphs they had earned, when the consuls of  $\frac{400}{399}$  could not agree as to their respective provinces of jurisdiction, and when the senate, in  $\frac{398}{388}$ , resolved to give up to the Gauls an ambassador who had forgotten his duty, and a consular tribune carried the matter to the community. This was the first occasion on which a decree of the senate was annulled by the people, and heavily the community atoned for it. Instances of the decision being voluntarily left to the people occurred first, when Caere sued for peace, after the people had declared war against it but before war had actually begun ( $\frac{401}{383}$ ), whereupon the senate hesitated to leave the resolution of the people unexecuted without their formal consent, and at a subsequent period, when the senate wished to reject the humble entreaty of the Samnites for peace, but shunning the odium of the declaration devolved it on the people ( $\frac{436}{318}$ ). It is not till towards the close of this epoch that we find a considerable extension of the powers of the *comitia tributa* in affairs of administration, particularly through the practice of consulting it as to the conclusion of peace and of alliances. This extension probably dates from the Hortensian law of  $\frac{457}{387}$ .

Notwithstanding, however, these enlargements of the powers of the burgess assemblies, their practical influence on state affairs began, particularly towards the close of this period, to wane

the defiles were arduous, the mountains rugged, and the jungles many. No Muhammadan army had ever penetrated to his dwelling place. When Ulugh Khán reached his abode, the Rána took such care for the safety of himself and his family, that he kept quiet from the dawn till the time of evening prayer, and when it grew dark he fled to some more secure place. At daybreak, the Muhammadan army entered his abode, and then pursued him, but the accursed infidel had escaped into the lofty mountains, to an inaccessible spot impossible to reach except by stratagem, and the use of ropes and ladders. Ulugh Khán incited his soldiers to the attempt, and, under his able direction, they succeeded in taking the place. All the infidel's wives, dependants, and children fell into the hands of the victors with much cattle, many horses and slaves. Indeed, the spoil that was secured exceeded all computation. At the beginning of Shawwál 645 H. (Feb. 1248), the force returned to the royal camp with their booty, and after the *Íd-i azha'*, the whole army marched towards the capital, which it reached on the 4th Muharram, 646 H. (April 1248). A full poetical account of this campaign, in which the several victories are recounted, has been composed; the book is called *Násiri náma*.<sup>1</sup>

In Sha'bán, 646 H. (Nov. 1248), the royal army marched through the upper country to the neighbourhood of the Biyáh, and then returned to the capital. Ulugh Khán with several nobles under him, was sent with an ample force towards Rantambhor, to overrun the mountains of Mewát and the country of Báhar-deo, who was the greatest of the Ráis of Hindustán. He ravaged the whole of those territories and gained a large booty. Malik Baháu-d dín Aibak was slain under the fort of Rantambhor, on Sunday in the month of Zí-l hijja 646, while Ulugh Khán was engaged fighting in another quarter. The Khán's soldiers showed great courage and fought well; they sent many of the infidels to hell, and secured great spoil; after which they returned to the capital.

<sup>1</sup> [See *supra*, page 348.]

and new burgesses, was doubtless one of their most important results. At the beginning of the struggle between the orders or, in other words, of the strife for the possession of the consular power, the consulate was still the one and indivisible, essentially regal, magistracy, and the consul, like the king in former times, still had the appointment of all subordinate functionaries left to his own free choice. At the termination of that contest its most important functions—jurisdiction, street police, election of senators and equites, the census and financial administration—were separated from the consulship and transferred to magistrates, who like the consul were nominated by the community and occupied a position co-ordinate with him rather than subordinate. The consulate, formerly the single ordinary magistracy of the state, was no longer even absolutely the first. In the new arrangement as to the ranking and usual order of succession of the different offices the consulate stood indeed above the praetorship, aedileship, and quaestorship, but beneath the censorship, which—in addition to the most important financial duties—was charged with the adjustment of the rolls of burgesses, equites, and senators, and thereby wielded a wholly arbitrary moral control over the entire community and every individual burgess, the humblest as well as the most distinguished. The conception of limited magisterial power or special functions, which seemed to the older Roman constitutional law irreconcilable with the conception of magistracy, gradually gained a footing and mutilated and destroyed the earlier idea of the one and indivisible *imperium*. A first step was already taken in this direction by the institution of the collateral standing offices, particularly the quaestorship (p. 250), it was completely carried out by the Licinio-Sextian laws (367), which prescribed the functions of the three supreme magistrates, and assigned administration and the conduct of war to the two first, and the management of justice to the third. But the change did not stop here. The consuls, although they were in law wholly and everywhere co-ordinate, naturally from the earliest times divided between them in practice the different departments of duty (*provinciae*). Originally this was done simply by mutual concert, or in default of it by casting lots, but by degrees the other constituent authorities in the commonwealth interfered with this practical definition of functions. It became usual for the senate to define annually the spheres of duty, and, while it did not directly assign them to the co-ordinate magistrates, it exercised decided influence on the personal distribu-

against Kálinjar and Jamú, under the command of Malik Nusratu-d dín Tábasí, who was distinguished above all the generals of the time for courage, boldness, ability, and generalship. The army marched on fifty days from Gwalior, and great booty fell into its hands, so much that the imperial fifth amounted to nearly twenty-two lacs. When they returned from Kálinjar they were encountered by this Rána of Ijári, who seized upon the defiles on the river Sindí in the road of the returning army. The author heard Nusratu-d dín Tábasí say, "No enemy in Hindustán had ever seen my back, but this Hindú fellow of Ijári attacked me as a wolf falls upon a flock of sheep. I was obliged to retire before him until I reached a position where I turned upon him and drove him back." I tell this story so that my readers may clearly perceive what courage and generalship Ulugh Khán exhibited when he defeated and put to flight such a foe. He further took from him the fortress of Bazor,<sup>1</sup> and his conduct and feats in this campaign will stand as a lasting memorial of him.

On Monday, 23rd Rabí'u-l awwal, 650 H. (June, 1252), the army returned to Dehli and remained there for six months. On the 12th Shawwal of the same year, it marched through the upper country to the banks of the Biyáh. At this time Malik Balban held the fief of Badáún, and Katlagh Khán that of Bayána. They were both summoned to the Royal presence, and both attended with all the generals of the army at the royal abode. When the army reached the banks of the Biyáh, 'Imádu-d dín Rihán conspired with other chiefs, and excited envy and enmity against Ulugh Khán. (The envious found their own importance dimmed by his glory, and they resolved to do some hurt and injury to his august person, either in hunting, in passing through mountain defiles, or in crossing rivers.) Ulugh Khán's good fortune preserved him, and his adversaries were unable to do him any harm. When the conspirators found that their plans were ineffectual, they agreed upon another course,

<sup>1</sup> [Var. "Bazol," "Barole." See note, page 351, *supra*.]

very frequently released from these rules,<sup>1</sup> and cases still occurred like those of Quintus Fabius Rullianus, who was five times consul in eight-and-twenty years, and of Marcus Valerius Corvus ( $\frac{3^{\text{rd}}}{3} - \frac{4^{\text{th}}}{4} - \frac{5^{\text{th}}}{5}$ ) who, after he had filled six consulships, the first in his twenty third, the last in his seventy-second year, and had been throughout three generations the protector of his countrymen and the terror of the foe, descended to the grave at the age of a hundred.

While the Roman magistrate was thus more and more completely and definitely transformed from the absolute lord into the limited commissioner and administrator of the community, the old counter magistracy, the tribunate of the people, was undergoing at the same time a similar transformation internal rather than external. It served a double purpose in the commonwealth. It had been from the beginning intended to protect the humble and the weak by its somewhat revolutionary assistance (*auxilium*) against the overbearing violence of the magistrates, it had subsequently been employed to get rid of the legal disabilities of the commons and the privileges of the gentile nobility. The latter end was attained. The original object was not only in itself a democratic ideal rather than a political possibility, but it was also quite as obnoxious to the plebeian aristocracy into whose hands the tribunate necessarily fell, and quite as incompatible with the new organisation which originated in the equalisation of the orders and had if possible a still more decided aristocratic hue than that which preceded it, as it was obnoxious to the gentile nobility and incompatible with the patrician consular constitution. But instead of abolishing the tribunate, they preferred to convert it from a weapon of opposition into an instrument of government, and now introduced the tribunes of the people, who were originally excluded from all share in administration and were neither

<sup>1</sup> Any one who compares the consular *Fasti* before and after  $\frac{412}{412}$  will have no doubt as to the existence of the above-mentioned law respecting re-election to the consulate. For, while before that year a return to office, especially after three or four years, was a common occurrence, afterwards intervals of ten years and more were as frequent. Exceptions, however, occur in very great numbers particularly during the severe years of war  $\frac{434-447}{326-311}$ . On the other hand, the principle of not allowing a plurality of offices was strictly adhered to. There is no certain instance of the combination of two of the three ordinary curule (*Liv xxxix 39, 4*) offices (the consulate, praetorship, and curule aedileship) but instances occur of other combinations such as of the curule aedileship and the office of master of the horse (*Liv xxiii 24 30*), of the praetorship and censorship (*Fasti Cap a 501*), of the praetorship and the dictatorship (*Liv viii 12*), of the consulate and the dictatorship (*Liv viii 12*).

and many of its valiant fighting men were sent to hell. The Musulmáns obtained great spoil and captured many horses and prisoners (*bunda*). They then returned safe with their booty to Nagor, which, in consequence of Ulugh Khan's presence, had become a place of great importance.

- At the opening of the year 651 H, the numerous people who had suffered oppression and hardship through the disgrace of Ulugh Khán retired to their closets, and like fish out of water, and sick men without slumber, from night till morn, and from morn till night, they offered up their prayers to the Creator, supplicating him to let the dawn of Ulugh Khán's prosperity break forth in splendour, and dispel with its brilliant light the gloom occasioned by his rival Rihán. The Almighty graciously gave ear to the prayers of the wretched, and the cries of the distressed. The victorious banners of Ulugh Khán were borne from Nagor, and he went to the capital. The reason of his return was this. The nobles and servants of the State were all Turks of pure origin and Táziqs of good stock, but 'Imádu d din was an eunuch and impotent, he, moreover, belonged to one of the tribes of Hindustán. Notwithstanding all this he exercised authority over the heads of all these chiefs. They were disgusted with this state of affairs and could no longer endure it. They suffered so much from the hands of the bullies who were retained by 'Imadu d din, that for six months they could not leave their houses, nor could they even go to prayers on Fridays. How was it possible for Turks and Maliks, accustomed to power, rule, and warfare, to remain quiet under such ignominy? The chiefs of Hindustán, of Karrá, Mánikpur, Oudh and the upper country to Badáun, of Tabarlundh, Sanám, Sámána, and the Siwálik Hills, sent to Ulugh Khan inviting him to return. Arslan Khán led an army out of Tabarlundh, Ban Khan came forth from Sanám and Mansurpur, and Ulugh Khán collected his forces in Nagor and the Siwálik hills. Malik Jalalu d din Mas'ud Sháh bin Sultán joined them from Lahore, and they . marched upon the capital.

but was at the same time decidedly revolutionary and possessed of an absolutely anarchical power of obstruction to the authority of the magistrates and even of the state itself. But that faith in an ideal, which is the foundation of all the power and of all the impotence of democracy, had come to be closely associated in the minds of the Romans with the tribunate of the plebs, and we do not need to recall the case of Cola Rienzi in order to perceive that, however unsubstantial might be the advantage thence arising to the multitude, it could not be abolished without a formidable convulsion of the state. Accordingly with genuine political prudence they contented themselves with reducing it to a nullity under forms that should attract as little attention as possible. The mere name of this essentially revolutionary magistracy was still preserved in the aristocratically governed commonwealth—an incongruity for the present, and for the future a sharp and dangerous weapon in the hands of a coming revolutionary party. For the moment, however, and for a long time to come the aristocracy was so absolutely powerful and so completely possessed control over the tribunate, that no trace is to be met with of a collegiate opposition on the part of the tribunes to the senate, and the government overcame the forlorn movements of opposition that now and then proceeded from independent tribunes, always without difficulty, and ordinarily by means of the tribune itself.

In reality it was the senate that governed the commonwealth, and that almost without opposition after the equalisation of the orders. Its very composition had undergone a change. The free prerogative of the chief magistrates in this matter, as it had been exercised after the setting aside of the old clan representation (p 78), had been subjected to very material restrictions on the abolition of the presidency for life (p 255).

A further step towards the emancipation of the senate from the power of the magistrates took place, when the adjustment of the senatorial lists was transferred from the supreme magistrates to subordinate functionaries—from the consuls to the censors (p 289). Certainly, whether immediately at that time or soon afterwards, the right of the magistrate entrusted with the preparation of the list to omit from it individual senators on account of a stain attaching to them and thereby to exclude them from the senate was, if not introduced, at least more precisely defined,<sup>1</sup> and in this way the foundations were laid

<sup>1</sup> This prerogative and the similar ones with reference to the equestrian and burgess lists were perhaps not formally assigned by law to the censors,

Ulugh Khán, resolved upon cutting down Ban Khán Aibak Khitáf at the entrance of the royal tent, in order that Ulugh Khán, on hearing of the assassination, might (in retaliation) slay 'Izzu-d dín Balban. The peace would thus be prevented, 'Imádu-dín would retain his position in safety, and Ulugh Khán would be unable to come to Court. Kutbu-d dín Hasan heard of the conspiracy, and sent one of the chief attendants of the chamberlain, Sharfu-l mulk Rashídu-d dín Hanafi, to Ban Khán, advising him not to go to the royal tent in the morning, but to remain at his own lodging. Ban Khán acted on this advice, and so the plot failed. The facts became known to the great men, and under the command of the Sultan, 'Imádu-d dín was sent off to Badáún.

On Tuesday, 17th Zí-l k'ada, his majesty, with the desire of making peace, directed the author, Minháj Siráj, to offer terms of agreement to all. Next day, Ulugh Khán, with the other nobles, came to Court, and had the honour of kissing hands. The Sultán then turned homewards, accompanied by Ulugh Khán, and reached the capital on Wednesday, 9th Zí-l hijja. The kindness of the Almighty now became manifest. For a long time there had been no rain, but upon the approach of Ulugh Khán the Almighty displayed his mercy, and the rain, which is the life of herbs and plants, of men and animals, fell upon the earth. No wonder, then, that people looked upon the return of Ulugh Khán as a happy omen, that his compeers rejoiced over it, and that all were grateful to the Almighty for his bounty.

The year 653 H. opened. Something happened in the royal harem of which no one had accurate knowledge, but Katlagh Khán<sup>1</sup> was directed to take charge of the government of Oudh, and thither he proceeded. At the same time the government of Bahráich was given to 'Imádu-d dín Ríhán. (The success of Ulugh Khán shone forth with brilliant radiance, the garden of the world began to put forth leaf, and the key of divine mercy opened the doors of the hearts of men who had been driven into

<sup>1</sup> [Step-father of the Sultán, see page 354.]

administration were concentrated, was thus according to the Ovinian law substantially constituted no longer by the arbitrary will of a magistrate, but by indirect popular election. The Roman state in this way made some approach to, although it did not reach, the great institution of modern times, representative popular government, while the aggregate of the non-debating senators furnished—what it is so necessary and yet so difficult to get in governing corporations—a compact mass of members capable of forming and entitled to pronounce an opinion, but voting in silence.

The powers of the senate underwent scarcely any change in form. The senate carefully avoided giving a handle to opposition or to ambition by unpopular changes, or manifest violations, of the constitution; it permitted, though it did not promote, the enlargement in a democratic direction of the power of the burgesses. But while the burgesses acquired the semblance, the senate acquired the substance of power—a decisive influence over legislation and the official elections, and the whole control of the state.

Every new project of law was subjected to a preliminary deliberation in the senate, and scarcely ever did a magistrate venture to lay a proposal before the community without or in opposition to the senate's opinion. If he did so, the senate had—in the intercessory powers of the magistrates and the annulling powers of the priests—an ample set of means at hand to nip in the bud, or subsequently to get rid of, obnoxious proposals, and in case of extremity it had in its hands as the supreme administrative authority not only the executing, but the power of refusing to execute, the decrees of the community. The senate further with tacit consent of the community claimed the right in urgent cases of absolving from the laws, under the reservation that the community should ratify the proceeding—a reservation which from the first was of little moment, and became by degrees so entirely a form that in later times they did not even take the trouble to propose the ratifying decree.

As to the elections, they passed, so far as they depended on the magistrates and were of political importance, practically into the hands of the senate. In this way it acquired, as has been mentioned already (p. 310), the right to appoint the dictator. Greater regard had certainly to be shown to the community, the right of bestowing the public magistracies could not be withdrawn from it, but, as has likewise been already observed, care was taken that this election of magistrates should not be

Delay had occurred in assembling the forces of the Siwálík hills. These mountains were included in the government of Ulugh Khán, so he hastened to Hánsi. He arrived there on the 17th Zí-l ka'da, and so exerted himself that in fourteen days the soldiers of the Siwálík, of Hansi, Sarsuti, Jind, Barwála, and all those parts were collected, and marched to Dehli in great force, and well equipped, where they arrived on the 3rd Zí-l hijja. Ulugh Khan remained in Dehli eighteen days, recruiting and refitting the army of Mewat and the Koh-paya (hills). On the 19th Zí-l hijja he marched with a brave and well equipped army to the royal camp, and reached Oudh in the month of Mu-harram, 654 H. Katlagh Khán and the nobles who were leagued with him were all subjects of the Sultan, but adverse circumstances had led them to revolt. From Oudh they retreated over the river Sarú, and by royal command Ulugh Khán pursued them with a strong force. They had, however, got a good start, the jungles were dense, the ways difficult, and the trees numerous, so he could not come up with them. He advanced as far as Bishanpur, on the confines of Tirhut, plundering all the Mawás and Ránas, and returned with great spoil to the royal camp. When Ulugh Khán crossed the Saru from Oudh on his return from the pursuit, his Majesty marched towards the capital, and Ulugh Khan joined the royal army at Kasmandi. On Tuesday, 6th Rabí'u l awwal, 654 H, they arrived at Dehli.

*Katlagh Khán had found no place in Hindustan where he could make a stand, so in the midst of the campaign he proceeded towards Santur, and strengthened himself in the hills of that country. The chiefs paid him every respect, for he was a noble of high rank, a grandee of the Court, and one of the principal Turks. He had, therefore, strong claims upon his compeers, and wherever he went he was treated with great consideration.*

He made himself secure in the hills of Santur, and there he was joined by the Rána Debál [Deopal] Hindi, who held a prominent rank among the Hindus, and the custom of whose tribe was to afford a refuge to the fugitive. (When intelligence of this junction

tention of existing forms involved a complete revolutionising of the old commonwealth, is clear. That the free action of the burgesses should be arrested and benumbed; that the magistrates should be reduced to be the presidents of its sittings and its executive commissioners, that a corporation for the mere tendering of advice should seize the inheritance of both the authorities sanctioned by the constitution and should become, although under very modest forms, the central government of the state—these were steps of revolution and usurpation. Nevertheless, if any revolution or any usurpation appears justified before the bar of history by exclusive ability to govern, even its rigorous judgment must acknowledge that this corporation duly comprehended and worthily fulfilled its great task. Called to power not by the empty accident of birth, but substantially by the free choice of the nation, confirmed every fifth year by the stern moral judgment of the worthiest men, holding office for life, and so not dependent on the expiration of its commission or on the varying opinion of the people, having its ranks close and united ever after the equalisation of the orders, embracing in it all the political intelligence and practical statesmanship that the people possessed, absolute in dealing with all financial questions and in the control of foreign policy, having complete power over the executive by virtue of its brief duration and of the tribunician intercession which was at the service of the senate after the termination of the quarrels between the orders—the Roman senate was the noblest organ of the nation, and in consistency and political sagacity, in unanimity and patriotism, in grasp of power and unwavering courage, the foremost political corporation of all times—still even now an “assembly of kings,” which knew well how to combine despotic energy with republican self devotion. Never was a state represented in its external relations more firmly and worthily than Rome in its best times by its senate. In matters of internal administration it certainly cannot be concealed that the moneyed and landed aristocracy, which was especially represented in the senate, acted with partiality in affairs that bore upon its peculiar interests, and that the sagacity and energy of the body were often in such cases employed far from beneficially to the state. Nevertheless the great principle established amidst severe conflicts, that all Roman burgesses were equal in the eye of the law as respected rights and duties, and the opening up of a political career (or in other words, of admission to the senate) to every one, which was the result of that principle, concurred with the

The opposing armies drew near to each other in the vicinity of Sámána and Kaithal, and their lines were within view on either side. Just at this juncture some meddlesome servants of the Court at Dehli wrote letters to Malik Balban and Malik Katlagh Khán, inviting them to come to the capital. The city they said was empty of soldiers, and the gates were in their own hands, while the nobles whom they addressed were servants of the State, and *no strangers*. They ought to come at once and resume their service of the Sultán. Ulugh Khán with his army would remain outside, and everything would turn out as they wished. All that had been represented might be easily accomplished. Some faithful adherents of the throne and partizans of Ulugh Khán got notice of this plot, and they sent off intelligence with all speed to Ulugh Khán. He advised the Sultán to turn all the conspirators out of the city. A full account of this conspiracy has been given in the history of the reign of Násiru-d dín. (God forgive them and lead them to repent of their wickedness !)

While the two armies were confronting each other, a person<sup>1</sup> came over as a spy from the camp of Malik Balban Kishlú Khan, representing that he came on behalf of the chiefs and nobles who were with Malik Balban, and who were desirous of joining Ulugh Khán. If a promise of immunity and fair treatment were *given to them, and a grant made for the support of the bearer of these overtures*, he would bring over all the chiefs and nobles who were with Balban, and would arrange matters in respect of other officers.

Ulugh Khán, on perceiving the intentions of this person, gave orders that the whole of the army should be shown to him. Accordingly all the troops and munitions and implements of war, with the elephants and horses, were displayed before his eyes. The Khán then directed a letter to be written to the chiefs and nobles in the following terms: "Your letter has reached me and its import has been understood. I have no doubt that if you make your

<sup>1</sup> [The author here deals in irony, and says "a person called so and so, the son of so and so." The man was evidently well-known.]

## CHAPTER IV

### FALL OF THE ETRUSCAN POWER—THE CELTS

IN the previous chapters we have presented an outline of the development of the Roman constitution during the first two centuries of the republic, we now recur to the commencement of that epoch for the purpose of tracing the external history of Rome and of Italy. About the time of the expulsion of the Tarquins from Rome the Etruscan power had reached its height. The Tuscans, and the Carthaginians who were in close alliance with them, possessed undisputed supremacy in the Tyrrhene Sea. Although Massilia amidst continual and severe struggles maintained her independence, the sea ports of Campania and of the Volscian land, and after the battle of Alalia Corsica also (p. 142), were in the possession of the Etruscans. In Sardinia the sons of the Carthaginian general Mago laid the foundation of the greatness both of their house and of their city by the complete conquest of the island (about 508), and in Sicily, while the Hellenic colonies were occupied with their internal feuds, the Phœnicians retained possession of the western half without material opposition. The vessels of the Etruscans were no less dominant in the Adriatic, and their pirates were dreaded even in the more eastern waters.

By land also their power seemed to be on the increase. To acquire possession of Latium was of the most decisive importance to Etruria, which was separated by the Latins alone from the Volscian towns which were dependent on it and from its possessions in Campania. Hitherto the firm bulwark of the Roman power had sufficiently protected Latium, and had successfully maintained against Etruria the frontier line of the Tiber. But now, when the whole Tuscan league, taking advantage of the confusion and the weakness of the Roman state after the expulsion of the Tarquins, renewed its attack more energetically than before under Lartius Porsena king of Clusium, it no longer encountered the wonted resistance. Rome surrendered, and in the peace (assigned to 507) not only ceded all her possessions on the right bank of the Tiber to the adjacent Tuscan communities and thus abandoned her exclusive command of the river, but

join the army. On the 10th Muharram, the author received orders in the royal tent to compose an ode, to stir up the feelings of the Muhammadans and to excite in them a warlike fervour for the defence of their religion and the throne.

Ulugh Khán, with a numerous and well-appointed army, marched in company with his majesty and all the nobles, attended by their followers. When the infidel Mughal heard of this host on the frontier he had assailed, he advanced no further and showed no spirit. It seemed expedient, therefore, for the royal army to remain within sight of the city (of Delhi), and it remained encamped for four months or longer, while horsemen went in all directions, making war upon the Mawás. At length the news came that the accursed foe had retreated, and all disquietude on his account was at an end.

The reporters now informed Ulugh Khán that Arslán Khán Sanjar in Oudh, and Kalij Khán Mas'úd Khání had taken alarm at the orders which they had received to join the royal camp, and were meditating revolt. Ulugh Khán advised his Majesty to nip this project in the bud, and to smother their intentions before they had time to form and gather strength. The advice was approved, although it was the hot season and the army had undergone fatigue through the inroad of the Mughals. On Tuesday, 6th Jumáda-l ákhir, the royal forces marched towards Hindustán, and came to the neighbourhood of Karra and Mánik-púr. Ulugh Khán exerted himself most strenuously in punishing the rebellious Hindus and Ráuas.

Upon the arrival of Ulugh Khán, the two confederates, Arslán Khán and Kalij Khán, parted, and were obliged to send their families and dependants among the Mawás. They also deputed some trusty persons to wait on Ulugh Khán, and prevail upon him to inform the Sultán that they had been obliged to disperse their followers, and that they were ready to promise that they would both repair to the capital, and do homage as soon as the royal army was withdrawn. Upon this representation the forces were re-called, and reached the capital on Monday, 2nd Ramazán,

the fall of the maritime supremacy of her Etruscan allies. Anaxilas, ruler of Rhegium and Zancle, had already closed the Sicilian straits against their privateers by means of a standing fleet (about 313), soon afterwards (312) the Cumæans and Hiero of Syracuse achieved a decisive victory near Cumæ over the Tyrrhene fleet, to which the Carthaginians vainly attempted to render aid. This is the victory which Pindar celebrates in his first Pythian ode, and there is still extant an Etruscan helmet which Hiero sent to Olympia, with the inscription, 'Hieron son of Deinomenes and the Syracosians to Zeus, Tyrrhene spoil from Kuma.'<sup>1</sup>

While these extraordinary successes against the Carthaginians and Etruscans placed Syracuse at the head of the Greek cities in Sicily, the Doric Tarentum rose to undisputed pre-eminence among the Italian Greeks after the Achaean Sylanis had fallen about the time of the expulsion of the Tarquins (311). The terrible defeat of the Tarentines by the Iapygians (312), the most severe disaster which a Greek army had hitherto sustained, served only, like the Persian invasion of Hellas, to unshackle the whole might of the national spirit in the development of an energetic democracy. Thenceforth the Carthaginians and the Etruscans were no longer paramount in the Italian waters, the Tarentines predominated in the Adriatic and Ionic, the Massiliots and Syracusans in the Tyrrhene, seas. The latter in particular restricted more and more the range of Etruscan piracy. After the victory at Cumæ, Hiero had occupied the island of Aenaria (Ischia) and by that means interrupted the communication between the Campanian and the northern Etruscans. About the year 313, with a view thoroughly to check Tuscan piracy, Syracuse sent forth a special expedition, which ravaged the island of Corsica and the Etrurian coast and occupied the island of Aethalia (I Iba). Although Etrusco-Carthaginian piracy was not wholly repressed—Antium, for example, having apparently continued a haunt of privateering down to the beginning of the fifth century of Rome—the powerful Syracuse formed a strong bulwark against the allied Etruscans and Phoenicians. For a moment, indeed, it seemed as if the Syracusan power must be broken by the attack of the Athenians, whose naval expedition against Syracuse in the course of the Peloponnesian war (312-311) was supported by the Etruscans, old commercial friends of Athens, with three fifty-oared galleys. But the victory remained, as is well known,

<sup>1</sup> *Εἰδορὸν δὲ Δεινομένεος καὶ τοῖς Συρακοῖσι τοὶ Δῖι Τύραν' ἀπὸ Κυμαί*

and in the vicinity of the river Biyâh. At length ambassadors to the Sultân came to Khurâsân from 'Irâk, on the part of Hulâkû Mughal, son of 'Tolî, son of Changîz Khân, and orders were given that the embassy was to halt at Mârûta.<sup>1</sup>

Ulugh Khân and other nobles, with the royal troops and their own followers, suddenly resolved upon a campaign in the hills, and made the first march in advance on Monday, 4th Safar, 658. In their first forced march (*kashûsh*) they accomplished nearly fifty *kos*, and fell unexpectedly upon the rebels. These retreated to the summits of the mountains, to the defiles, to deep gorges and narrow valleys, but they were all taken and put to the sword. For twenty days the troops traversed the hills in all directions. The villages and habitations of the mountaineers were on the summits of the loftiest hills and rocks, and were of great strength, but they were all taken and ravaged by order of Ulugh Khân, and the inhabitants who were thieves, robbers, and highwaymen were all slain. A silver *tanka* was offered for every head, and two *tankas* for every man brought in alive. Eager for these rewards the soldiers climbed the highest hills, and penetrated the ravines and deepest gorges, and brought in heads and captives; especially the Afghâns, a body of whom, amounting to three thousand horse and foot, was in the service of Ulugh Khân. These men were very bold and daring, and in fact the whole army, nobles and chiefs, Turks and Tâzîks, exhibited great bravery, and their feats will remain recorded in history. (Fortune now so favoured Ulugh Khân that he was able to penetrate to a fastness which no Musulmân army had ever reached, and that Hindu rebel who had carried off the camels was taken prisoner with his children and dependants.) Two hundred and fifty of the chiefs of the rebels were captured. One hundred and forty-two horses were led away to the royal stables, and six bags of *tankas*, amounting to thirty thousand tankas, were taken from the Rânas of the hills and the Râis of Sind, and sent to the royal treasury.

<sup>1</sup> [Variants "Nârûya, Bârûta, Bardûna"]

they thenceforth maintained, it proved a burden no less grievous to Etruscans than to Greeks, so that, when Agathocles of Syracuse in  $\frac{314}{310}$  was making preparations for war with Carthage, he was even joined by eighteen Tuscan vessels of war. The Etruscans perhaps had their fears in regard to Corsica, which they probably still at that time retained. The old Etrusco-Phoenician symmarchy, which still existed in the time of Aristotle ( $\frac{370}{384}$   $\frac{432}{472}$ ) was thus broken up, but the Etruscans never recovered their maritime strength.

This rapid collapse of the Etruscan maritime power would be inexplicable but for the circumstance that, at the very time when the Sicilian Greeks were attacking them by sea, the Etruscans found themselves assailed with the severest blows on every side by land. About the time of the battles of Salamis, Himera, and Cumae a furious war raged for many years, according to the accounts of the Roman annals, between Rome and Veii ( $\frac{271}{483}$   $\frac{280}{474}$ ). The Romans suffered in its course severe defeats. Tradition especially preserved the memory of the catastrophe of the Fabii ( $\frac{277}{477}$ ) who had in consequence of internal commotions voluntarily banished themselves from the capital (p. 277) and had undertaken the defence of the frontier against Etruria, and who were slain to the last man capable of bearing arms at the rivulet of the Cremera. But the armistice for 400 months, which in room of a peace terminated the war, was so far favourable to the Romans that it at least restored the *status quo* of the regal period, the Etruscans gave up Fidenæ and the district won by them on the right bank of the Tiber. We cannot ascertain how far this Romano-Etruscan war was connected directly with the war between the Hellenes and the Persians, and with that between the Sicilians and Carthaginians, but whether the Romans were or were not allies of the victors of Salamis and of Himera, there was at any rate a coincidence of interests as well as of results.

The Samnites as well as the Latins threw themselves upon the Etruscans, and hardly had their Campanian settlement been cut off from the mother land in consequence of the battle of Cumae, when it found itself no longer able to resist the assaults of the Sabellian mountain tribes. Capua, the capital, fell in  $\frac{330}{374}$ , and the Tuscan population there was soon after the conquest extirpated or expelled by the Samnites. It is true that the Campanian Greeks, also isolated and weakened, suffered severely from the same invasion. Cumae itself was conquered by the Sabellians in  $\frac{334}{370}$ . But the Hellenes maintained their

nobles and officers attended in gorgeous dresses. A poem written by the author of this work was recited before the throne. I here insert it. \* \* \* \* After the reception the ambassadors were conducted in great state to the place appointed for their abode.<sup>1</sup>

Let us return to the thread of our history. The last event which I have to record is this. When Ulugh Khán carried war into the hills, and punished the rebels in the way we have related, a number of them escaped by flight. They now again took to plundering on the highways, and murdering Musulmán\*, so that the roads became dangerous. This being reported to the Khán, he sent emissaries and spies to find out the places where the rebels had taken refuge, and to make a full report of their state and condition. On Monday, 21th Rajab, 658 (July, 1260), he marched from Delhi with his own forces, the main army, and the forces of several chiefs. He hastened towards the hills, and, accomplishing more than fifty *kos* in one day's journey (<sup>1</sup>),<sup>2</sup> he fell upon the insurgents unwarred, and captured them all, to the number of twelve thousand—men, women, and children—whom he put to the sword. All their valleys and strongholds were overrun and cleared, and great booty captured. Thanks be to God for this victory of Islam !

<sup>1</sup> [Here follows a long digression of no interest.]

<sup>2</sup> [یکمزل بتدر پنجاه کرد زیادت رفت]

Celts have shaken all states and have founded none. Everywhere we find them ready to rove or, in other words, to march, preferring movable property to landed estate, and gold to everything else, following the profession of arms as a system of organised pillage or even as a trade for hire, and with such success that even the Roman historian Sallust acknowledges that the Celts bore off the prize from the Romans in feats of arms. They were the true soldiers of fortune of antiquity, as figures and descriptions represent them with big but not sinewy bodies, with shaggy hair and long mustachios—quite a contrast to the Greeks and Romans, who shaved the head and upper lip, in variegated embroidered dresses, which in combat were not unfrequently thrown off, with a broad gold ring round the neck, wearing no helmets and without missile weapons of any sort, but furnished instead with an immense shield, a long ill tempered sword, a dagger and a lance—all ornamented with gold, for they were not unskilful in working in metals. Everything was made subservient to ostentation, even wounds, which were often subsequently enlarged for the purpose of boasting a broader scar. Usually they fought on foot, but certain tribes on horseback, in which case every freeman was followed by two attendants likewise mounted, war-chariots were early in use, as they were among the Libyans and the Hellenes in the earliest times. Various traits remind us of the chivalry of the middle ages, particularly the custom of single combat, which was foreign to the Greeks and Romans. Not only were they accustomed during war to challenge a single enemy to fight, after having previously insulted him by words and gestures, during peace also they fought with each other in splendid suits of armour, as for life or death. After such feats carousals followed as a matter of course. In this way they led, whether under their own or a foreign banner, a restless soldier life, they were dispersed from Ireland and Spain to Asia Minor, constantly occupied in fighting and so-called feats of heroism. But all their enterprises melted away like snow in spring, and nowhere did they create a great state or develop a distinctive culture of their own.

Such is the description which the ancients give us of this nation. Its origin can only be conjectured. Sprung from the same cradle from which the Hellenic, Italian, and Germanic peoples issued,<sup>1</sup> the Celts doubtless like these migrated from

<sup>1</sup> It has recently been maintained by expert philologists that there is a closer affinity between the Celts and Italians than there is even between

campaign against the Ismá'ilians. His brother, Shamsu-d dín, became wazír of Hulákú in 662 (1263-4 A.D.), and 'Aláu-d dín was appointed governor of Baghdád.

'Aláu-d dín had made himself conspicuous by his zeal against the Ismá'ilians, which incited three men of that sect to attempt his assassination. He escaped this danger, but only to endure great reverses and ignominy. Intrigues were formed against him, he was dismissed from office, fined heavily, tortured, and paraded naked all round Baghdád. He remained for some time afterwards in confinement at Hamadán, but his innocence being proved, the fine exacted from him was returned, and he was restored to his office, which he retained until his death in 681.

In character he was naturally mild and just, but he was so blinded by the power and success of his masters that he could see nothing but good in them and their doings. "Placed as he was," says M. D'Ohsson, "it is manifest that he could not write freely; but he of his own accord made himself the panegyrist of those barbarians who had utterly ruined his country, and who continued to waste and oppress the dominions of the Muhammadans. He speaks with a profound veneration of Changíz Khán and his descendants, he lauds Mangú to the skies, and in his honour he exhausts his stock of the most exaggerated hyperbole. More than this, he strives to prove in his preface that the ruin of so many Musulmán countries by the Mughal armies was a necessary evil, from which arose two benefits—one spiritual, the other temporal. He does not blush to boast of the gentleness of the Mughals towards those who submitted to them, and he praises with better reason their tolerance of all religions."

His occupations he tells us left him little leisure for the acquisition of useful knowledge up to the age of twenty-seven, and he expresses his regret that he had not adopted the course of life advised by his father; but years had matured his reason, and he was resolved to make up for lost time. He had several times travelled over Transoxiana and Turkistán, as well as the more western regions. He had been a witness of many events, and he

of the Biturges (around Bourges), sent forth in the days of king Ambiatius two great hosts led by the two nephews of the king. One of these nephews, Sigovesus, crossed the Rhine and advanced in the direction of the Black Forest, while the second, Bellovesus, crossed the Graian Alps (the Little St Bernard) and descended into the valley of the Po. From the former proceeded the Gallic settlement on the middle Danube, from the latter the oldest Celtic settlement in the modern Lombardy, the canton of the Insubres with Mediolanum (Milan) as its capital. Another host soon followed, which founded the canton of the Cenomani with the towns of Brixia (Brescia) and Verona. Ceaseless streams thenceforth poured over the Alps into the beautiful plain, the Celtic tribes with the Ligurians whom they dislodged and swept along with them wrested place after place from the Etruscans, till the whole left bank of the Po was in their hands. After the fall of the rich Etruscan town Melpum (probably in the district of Milan), for the subjugation of which the Celts already settled in the basin of the Po had united with newly arrived tribes (<sup>356</sup>/<sub>388</sub>?), these latter crossed to the right bank of the river and began to press upon the Umbrians and Etruscans in their original abodes. Those who did so were chiefly the Boii, who are alleged to have penetrated into Italy by another route, over the Poenine Alps (the Great St Bernard), they settled in the modern Romagna, where the old Etruscan town Felsina, with its name changed by its new masters to Bononia, became their capital. Finally came the Senones, the last of the larger Celtic tribes which made their way over the Alps, they took up their abode along the coast of the Adriatic from Rimini to Ancona. But isolated bands of Celtic settlers must have advanced even far in the direction of Umbria, and up to the border of Etruria proper, for stone inscriptions in the Celtic language have been found even at Todi on the upper Tiber. The limits of Etruria on the north and east became more and more contracted, and about the middle of the fourth century the Tuscan nation found themselves substantially restricted to the territory which thenceforth bore and still bears their name.

Subjected to these simultaneous and, as it were, concerted assaults on the part of very different peoples—the Syracusans, Latins, Samnites, and above all the Celts—the Etrurian nation, that had just acquired so vast and sudden an ascendancy in Latium and Campania and on both the Italian seas, underwent a still more rapid and violent collapse. The loss of their maritime supremacy and the subjugation of the Campanian Etruscans

*The Mughal Conquests.—The Kings of Hind.*

In the space of twelve years the Mughals conquered every country, and nowhere were rebellion and turbulence left unrepressed. Having reached a place where they saw men with the limbs of beasts, and knew that there could be no habitation beyond it, they returned to their own country, bringing the kings of various countries with them, who presented their offerings of allegiance. Búkú Khán honoured all of them according to their respective ranks, and sent them back to their own countries; but he would not allow the king of Hind to come on account of his filth and ugliness.

\*       \*       \*       \*       \*

*Changiz Khán in Bokhára.*

Next day, the Imáms and elders of the city of Bokhára went to do homage to Changiz Khán,<sup>1</sup> and he came within in order to see the town and fort. He entered the Jámi' Masjíd and stood before the archways. His son, Túlí Khán, was on foot, and ascended the pulpit. Changiz Khán enquired, "Is this the palace of the Sultán?" They replied, "It is the house of God." He then dismounted, and ascended two or three steps of the pulpit, and exclaimed, "The country is denuded of forage, fill my horses' bellies." They opened the granaries which were in the city, and brought the corn. They brought forth the chests which contained the Kuráns into the area of the mosque, and scattered the books about, converting the chests into horse-troughs. They circulated their flagons, and the courtesans of the city were sent for to dance and sing, and the Mughals raised their own voices in response.<sup>2</sup> The Imáms, doctors, Saiyids,

<sup>1</sup> The usual way of pronouncing his name in India is Changez Khán, but perhaps Chingiz is more correct, for D'Olsson, who spells the name "Tchinguiz," says it is derived from "Chink," strong, and "guiz," the plural particle.—*Histoire des Mongols*, Tome I. p. 99. On his coins, moreover, the last syllable is not prolonged.—See *Journ. R. A. S. Soc.*, Vol. IX. p. 385.

<sup>2</sup> European travellers of this period are not complimentary to their musical talents.



string Changîz Khân ordered his troops to advance, and enjoined that every attempt should be made to take the Sultân alive Chagtâi and Ogtâi<sup>1</sup> also arrived to his support from Khwârizm

When the Sultân saw that it was a time for exertion and action, he prepared for fight with the few men he had under him, galloping from the right to the left wing, from the left to the centre, and making furious onslaughts But the army of the Mughals made good their advance by degrees, narrowing the field of battle and the opportunity of escape, while the Sultan was fighting like an angry lion

In every direction that he urged his steed  
He raised dust commingled with blood

Orders were again issued that they should take him prisoner, and the army refrained from wounding with spear and arrow, in their anxiety to carry the commands of Changîz Khan into effect Jalálu d dîn himself maintained his ground, and, mounting a fresh horse that was brought to him, made one more charge, and then retreated like the wind and like a flash of lightning upon water<sup>2</sup>

When Chingîz Khân saw that the Sultan had dashed into the river, and that the Mughals were anxious to follow him, he prevented them, and placing his hand in his mouth through excess of astonishment, exclaimed to his sons —

*This is one whom you may indeed call a man<sup>1</sup>  
A true fighting elephant to tooth and marrow<sup>2</sup>  
Thus he said and looked in that direction  
Where the Sultan went like a Rustam on his way*

All his followers who were not drowned in the river were put to the sword,<sup>4</sup> and the ladies of his household and his children were brought to Changîz Khân He ordered with respect to all

<sup>1</sup> "Ogtâi," in the Mongol language, signifies ascent or exaltation

<sup>2</sup> The *Mod. Univ. History* says that Changîz Khân lost twenty thousand men in this action

<sup>3</sup> Or, "trunk and branch

<sup>4</sup> D Ohsson attributes these words to Juwainî—"Persons who were witnesses of this event have told me that so many Khawârizmians were slain, that the waters were red for the distance of a bow shot. I cannot find the passage.

dangers involved in so sudden and so mighty an invasion. It was not till the Gauls had crossed the Tiber and were at the rivulet of the Allia, less than twelve miles from the gates, that a Roman military force sought to hinder their passage on the 18th July,  $\frac{354}{356}$ . And even now they went into battle with arrogance and foolhardiness,—not as against an army, but as against freebooters—under inexperienced leaders, Camillus having in consequence of the dissensions of the orders withdrawn from taking part in affairs. Those against whom they were to fight were but barbarians, what need was there of a camp, or of securing a retreat? These barbarians, however, were men whose courage despised death, and their mode of fighting was to the Italians as novel as it was terrible, sword in hand the Celts precipitated themselves with furious onset on the Roman phalanx, and shattered it at the first shock. Not only was the overthrow complete, but the disorderly flight of the Romans, who hastened to place the river between them and the pursuing barbarians, carried the greater portion of the defeated army to the right bank of the Tiber and towards Veii. The capital was thus needlessly left to the mercy of the invaders, the small force that was left behind, or that had fled thither, was not sufficient to garrison the walls, and three days after the battle the victors marched through the open gates into Rome. Had they done so at first, as they might have done, not only the city, but the state also must have been lost, the brief interval gave opportunity to carry away or to bury the sacred objects, and, what was more important, to occupy the citadel and to furnish it with provisions for the exigency. No one was admitted to the citadel who was incapable of bearing arms—there was not food for all. The mass of the defenceless dispersed among the neighbouring towns, but many, and in particular a number of old men of high standing, would not survive the downfall of the city and awaited death in their houses by the sword of the barbarians. They came, murdered all they met with, plundered whatever property they found, and at length set the city on fire on all sides before the eyes of the Roman garrison in the Capitol. But they had no knowledge of the art of besieging, and the blockade of the steep citadel rock was tedious and difficult, because subsistence for the great host could only be procured by armed foraging parties, and the citizens of the neighbouring Latin cities, the Ardeates in particular, frequently attacked the foragers with courage and success. Nevertheless the Celts persevered, with an energy which in their circumstances was

Changíz Khán<sup>1</sup> gave orders that in every tent every captive should prepare and clean five hundred *mans* of rice. All expedition was made, and within one week they ceased from that labour. He then issued orders that every prisoner in camp should be slain, and the next morning not a trace of captives or Hindús remained. He sent ambassadors to all the princes of that country, and they submitted. One was despatched to the Ráná, and he was at first well received, but was afterwards crucified; upon which an army was sent against the Ráná, and he was taken. An army was also sent to besiege Aghrák, in the fort in which he had taken refuge.

When the army had recovered its health, thoughts of return were entertained, in order that by way of Hindustán they might reach the country of Tangút.<sup>2</sup> They advanced some marches, and when they found there was no road, they came back again, and went to Fersháwar (Pesháwar), and employed themselves in returning by the same road which they came. \* \* \* The reason of their expediting their return was that intelligence was received that Khítá and Tangút had exhibited signs of disaffection, in consequence of Changíz Khán's prolonged absence.

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*Capture of Bhera, and retreat from Multán.*

When Chaghtái returned without finding the Sultán, Changíz Khán despatched Túrtái<sup>3</sup> with two túmáns of Mughals, to

<sup>1</sup> It would appear, therefore, that Changíz Khán entered India, unless he issued these orders from some other spot; but it is not easy to tell precisely what were his own proceedings immediately after the battle on the Indus.

<sup>2</sup> Some say, "Tibet." The *Bakru-i Bulákn* also says "Tangút." "Several thousand horsemen crossed the Sind in pursuit of Jalálu-d din, and went thence to Multán and ravaged that country and Loháwar, but as they could not remain there on account of the unhealthiness of the climate, they returned to Changíz Khán by way of Ghazna. Changíz took up his quarters at Mata Kathor, but not being able to remain there on account of the badness of the air, he attempted to reach Tangút by way of Hindustán; but after going two or three marches, and finding no road, he went by way of Bámián to Samarkand."

<sup>3</sup> D'Olsson says "Bela and Tourtái," and that the places plundered were Lahore, Multán, Pesháwar, and Malikpúr. Miles says, "Doormur, Bakshi, and Bala



*Death of Muhammad Ghori.*

In the year 602 H. (1205 A D ), Muhammad Ghori determined on prosecuting a holy war in Hind, in order to repair the fortunes of his servants and armies, for within the last few years Khurásán, on account of the disasters it had sustained, yielded neither men nor money. When he arrived in Hind, God gave him such a victory that his treasures were replenished, and his armies renewed. On his return, after crossing the Jailam, he was encamped on the banks of the Jihún (Indus), so that one-half of the royal enclosure, where the private apartments were, was in the water. In consequence of which no precaution had been taken to ensure their protection. About the time of the mid-day siesta, two or three Hindús came through the water, and falling like fire upon the royal tent, slew the Sultán, who was entirely unprepared for such a treacherous attack.

\* \* \* \* \*

*Sultan Jalalu-d din in Hindustan.<sup>1</sup>*

When the Sultán had survived the double danger of water and fire, namely, the whirlpools of the Sind and the flame of Changíz Khán's persecution, he was joined by six or seven of his followers, who had escaped from drowning, and whom the fiery blast of evil had not sent to the dust of corruption, but, as *no other course except retreat and concealment among the forests* was left to him, he remained two or three days longer in his covert,<sup>2</sup> until he was joined by fifty more men. The spies whom he had sent out to watch the proceedings of Changíz Khán, returned, and brought him intelligence that a body<sup>3</sup> of

<sup>1</sup> In the highly flattering notice which M. Quatremère has taken of my first volume in the *Journal des Savants*, for September, 1850, and January, 1851, he has made some comments upon the extract from the *Jám'u t tawdrikh*, which corresponds with the passage here translated from the *Jahn Kusha*. I do not concur in all the corrections of the learned reviewer, but thankfully avail myself of some of them — [See note in the Appendix on Jalálu d din.]

<sup>2</sup> Milcs says, "he struck into the Chorí, or desert of Churk." — *Shajratu l Atrak*, p 178

<sup>3</sup> The *Tdrikh* ; *Alfi* says "nearly two hundred "

the ties of union between Latium and Rome. The conflict between the Gauls and the Romans was not, like that between Rome and Etruria or between Rome and Samnium, a collision of two political powers which affect and modify each other, it may be compared to those catastrophes of nature, after which the organism, if it is not destroyed, immediately resumes its equilibrium. The Gauls often returned to Latium—as in the year  $387$ , when Camillus defeated them at Alba—the last victory of the aged hero, who had been six times military tribune with consular powers, and five times dictator, and had four times marched in triumph to the Capitol, in the year  $381$ , when the dictator Titus Quinctius Pennus encamped opposite to them not five miles from the city at the bridge of the Anio, but before any encounter took place the Gallic host marched onward to Campania, in the year  $384$ , when the dictator Quintus Servilius Ahala fought with the hordes returning from Campania in front of the Colline gate, in the year  $386$ , when the dictator Gaius Sulpicius Peticius inflicted on them a signal defeat, in the year  $388$ , when they even spent the winter encamped upon the Alban mount and joined with the Greek pirates along the coast for plunder, till Lucius Furius Camillus, the son of the celebrated general, in the following year dislodged them—an incident, which came to the ears of Aristotle who was contemporary ( $384-383$ ) in Athens. But these predatory expeditions, formidable and troublesome as they may have been, were rather incidental misfortunes than events of historical importance, and the chief result of them was, that the Romans were more and more regarded by themselves and by foreigners as the bulwark of the civilised nations of Italy against the assaults of the dreaded barbarians—a view which tended more than is usually supposed to further their subsequent claim to universal empire.

The Tuscans, who had taken advantage of the Celtic attack on Rome to assail Veii, had accomplished nothing, because they had appeared in insufficient force, the barbarians had scarcely departed, when the heavy arm of Latium descended on the Tuscans with undiminished weight. After the Etruscans had been repeatedly defeated, the whole of southern Etruria as far as the Ciminian hills remained in the hands of the Romans, who formed four new tribes in the territories of Veii, Capena, and Falerii ( $387$ ), and secured the northern boundary by establishing the fortresses of Sutrium ( $381$ ) and Nepete ( $375$ ). With rapid steps this fertile region, covered with Roman colonists, became completely Romanised. About  $386$  the neighbouring

despatched a Mughal army, under Túrtái, to expel him, and as the Sultán was not able to oppose him, he went towards Dehli, when Túrtái crossed the river. The Mughals, when they heard of his flight, returned and pillaged the country round Malikpúr.

The Sultán, when he was two or three days distant from Dehli, deputed a messenger named 'Ainu-l mulk to Sultán Shamsu-d dín, saying—"The great have opportunies of showing mercy, since it is evident in our relations with each other, that I have come to claim your protection and favour, and the chances are rare of meeting with a person of my rank on whom to bestow a kind reception. If the road of friendship should be made clear, and the ear of brotherhood should listen in our communications with each other, and if, in joy and affliction, aid and support be mutually afforded, and if our object and desires should be accomplished, when our enemies witness our alliance, the teeth of their enmity will be blunted." He then solicited that some spot<sup>1</sup> might be indicated in which he might reside for a few days.

As the courage and determination of the Sultán were noised abroad, and his exceeding power and predominance were celebrated throughout the world, Sultán Shamsu-d dín, after receiving the message, was engaged for some time in deliberation, reflecting upon the importance of the result, alarmed at his proceedings, and apprehensive of his attacks. It is said that he entertained a design against the life of 'Ainu-l mulk, so that he died;<sup>2</sup> but Sultán Shamsu-d dín sent an envoy of his own, with presents suited to such a distinguished guest, and offered the following subterfuge for not according to him the place of residence he desired, namely, "that the climate of these parts is not favourable, and there is no tract suited to the Sultán; but that, if he wished, Shamsu-d dín would fix upon some place near Dehli where the Sultán might take up his abode, and that it would be made over to him as soon as it was cleared of rebels and enemies."

<sup>1</sup> The *Rauzat-u-s safá* uses the Mughal word "*yárt*," or private domain.

<sup>2</sup> This gentle insinuation is more boldly expressed by others, who declare that he was murdered by the Sultán, but with what object it is impossible to say.

our unsatisfactory information as to the nationality of the later Alpine peoples does not permit us to ascertain. It is on the other hand certain that the Etruscans or, as they were then called, the Raeti retained their settlements in the modern Grisons and Tyrol, and the Umbrians in like manner in the valleys of the Apennines. The Veneti, speaking a different language, kept possession of the north-eastern portion of the valley of the Po. Ligurian tribes maintained their footing in the western mountains, dwelling as far south as Pisa and Arezzo, and separating the Celt land proper from Etruria. The Celts dwelt only in the intermediate flat country, the Insubres and Cenomani to the north of the Po, the Boni to the south, and—not to mention smaller tribes—the Senones on the coast of the Adriatic, from Ariminum to Ancona, in the so-called “territory of the Gauls” (*ager Gallicus*). But even there Etruscan settlements must have continued partially at least to exist, somewhat as Ephesus and Miletus remained Greek under the supremacy of the Persians. Mantua at any rate, which was protected by its insular position, was a Tuscan city even in the time of the empire, and Hatria on the Po also, where numerous discoveries of vases have been made, appears to have retained its Etruscan character, the description of the coasts that goes under the name of Scylax, composed about  $\frac{411}{336}$ , calls the district of Hatria and Spina a Tuscan land. This alone, moreover, explains how Etruscan corsairs could render the Adriatic unsafe till far into the fifth century, and why not only Dionysius of Syracuse covered its coasts with colonies, but even Athens, as a remarkable document recently discovered informs us, resolved about  $\frac{428}{2}$  to establish a colony in the Adriatic for the protection of seafarers against the Tyrrhene pirates.

But while more or less of the Etruscan character continued to mark these regions, it was confined to isolated remnants and fragments of their earlier power, the Etruscan nation no longer reaped the benefit of such gains as were still acquired there by individuals in peaceful commerce or in maritime war. On the other hand it was probably from these half free Etruscans that the germs proceeded of such civilisation as we subsequently find among the Celts and Alpine peoples in general (p. 216). The very fact that the Celtic hordes in the plains of Lombardy, to use the language of the so called Scylax, abandoned their warrior life and took to permanent settlement, must in part be ascribed to this influence, the rudiments moreover of handicrafts and arts and the alphabet came to the Celts in Lombardy,

to Multán. The Sultán sent an ambassador to him, requiring the surrender of Amír Khán's son and daughter, who had fled from the battle of the Sind, and had taken shelter at Multán. Money was also demanded. Kubácha complied with the requisition, delivered up the son and daughter of Amír Khán, and sent a large sum of money for the use of the Sultán, soliciting that his territory might not be injured.

When the weather became hot, the Sultán left Uchh with the intention of proceeding through Balála and Mankála, to take up his summer-quarters in the mountains of Júd, and on his way laid siege to the fort of Parsrúr,<sup>1</sup> where he was wounded in the head by an arrow. When the fort was captured, the whole garrison was put to the sword. He returned from that place, when he received intelligence of the advance of the Mughal armies in pursuit of him, and as his way led him near Multán, he sent an envoy to Kubácha to intimate that the Sultán was passing in that direction, and to demand tribute. Kubácha refused, and assuming an attitude of defiance, advanced to fight him. The standards of the Sultán halted but for a moment, and then departed, returning towards Uchh, which also had revolted against him. The Sultán remained before it two days, and after setting fire to the city, went towards Sadúsán.<sup>2</sup>

*Sultán Jalálu-d dín in Sind*

Fakhr-u-d dín Sálári was governor of Sadúsán on the part of Kubácha, and Láchín of Khitá, who was in command of the army, went out against Amír Khán,<sup>3</sup> the leader of the Sultán's advance guard. Láchín was slain in the action, and Uzbek Khán

<sup>1</sup> The original has "Pasráwar" Both the *Jdmí'u-t tawdríkh* and the *Rau-atu-s safá* read "Bisráw." The *Tárikh-i Alfí* has "Das," and *Firishta* cautiously gives no name. Hammer has "Besram." The position, antiquity, and importance of Parsrúr seem to indicate that as the correct reading.

<sup>2</sup> The *Tárikh-i Alfí* adds, "which is now called Siwistán" It is at present known as Sihván — See Vol. I. page 401.

<sup>3</sup> This name is in some copies read "Kwar Khán," or "Anwar Khán," and in some "Anúr Khán" Amír Khán is probable the right reading, and we may consider him to be the same person who was repulsed just before the action on the Sind, whom D'Ohrson calls "Orkhán," and whose daughter had fled to the Sultán for protection. We find the same Orkhán acting a conspicuous part in the subsequent events in Persia.

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wealth, particularly in landed property, became concentrated in the hands of a few nobles, while the masses were impoverished; the social revolutions which thence arose increased the distress which they sought to remedy; and, in consequence of the impotence of the central power, no course at last remained to the distressed aristocrats—*e.g.* in *Arretium* in 453, and in *Volsinii* in 458—but to call in the aid of the Romans, who accordingly put an end to the disorder but at the same time extinguished the remnant of independence. The energies of the nation were broken from the day of Veii and Melpum. Earnest attempts were still once or twice made to escape from the Roman supremacy, but in these instances the stimulus was communicated to the Etruscans from without—from another Italian stock, the Samnites.

When Burák Hájib heard of the approach of the Sultán, he sent him many presents, with the expression of his hearty congratulations, and, on the Sultan's arrival, Burák Hájib solicited that he would accept his daughter in marriage. The Sultán acceded to the request, and the marriage was celebrated. The Kotwál also came forth, and presented the keys of his fort, upon which the Sultán entered it, and remained during the night.

\* \* \* \* \*

#### *Sultán Jalálu-d dín's Allies.*

After the lapse of a week, Sultán Jalálu-d dín arrived at Ghazna, where he was joined by many bodies of his adherents, and assumed the pomp and circumstance of a monarch. When Yamín Malik heard, in Hindustán, of the Sultán's arrival at Ghazna, he hastened to meet him. Aghrák Malik, also, with an army of Khiljís and Turkománs, came from Pesháwar to do him homage, and A'zam Malik<sup>1</sup> brought a large force of Ghorians to serve under him. In all the troops now at his disposal amounted to twenty thousand cavalry.

The Sultán went with these large reinforcements to Parwán, on the borders of Bámián, where many roads converge. There he received intelligence that a body of ten or twelve thousand Mughal cavalry had gone in pursuit of him to Ghazna, where, as there was no army to oppose them, they had entered the city before the inhabitants had received intelligence of their approach, had burned several mosques, massacred all the people they found in the lanes and streets, and then continued their pursuit after the Sultán to Parwán, by way of Kaláwaz, staying at Ghazna only one day.<sup>2</sup>

#### *Their Fate, after deserting the Sultán.*

In the action which ensued the Sultán was victorious, and the

<sup>1</sup> *Malik* was at that time a title between that of *Amir* and *Khan*, for we find *Amirs* promoted to the rank of *Malik*, and *Maliks* to that of *Khan*.

<sup>2</sup> This relates to what occurred previous to the action on the Sind, but the author has deferred the narrative till he could accompany it by a statement of the fate of the Sultán's allies.

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Rome and Latium contributed the like contingent. Each furnished, as a rule, an "army" of two legions, or 8400 men;<sup>1</sup> and they alternately appointed the commander-in-chief, who then nominated—by his own selection—the officers of his staff, six leaders-of-division (*tribuni militum*) for each of the four divisions of the army. In case of victory the movable part of the spoil, as well as the conquered territory, was divided in equal portions between Rome and the confederacy; when the establishment of fortresses in the conquered territory was resolved on, their garrisons and population were composed partly of Roman, partly of confederate colonists; and not only so, but the newly-founded community was received as an independent federal state into the Latin confederacy and furnished with a seat and vote in the Latin diet.

These stipulations, the full execution of which would have annulled the reality of an hegemony, can have had but a limited practical significance, even during the regal period; in the republican epoch they must necessarily have undergone alterations also in form. Among the first that fell into abeyance was, beyond doubt, the right of the confederacy to make wars and treaties with foreigners,<sup>2</sup> and their right to name the common commander every alternate year. The decision on wars and treaties, as well as the supreme command, passed once for all to Rome. It followed from this change that the staff-officers for the Latin troops also were now wholly nominated by the Roman commander-in-chief; and there was soon added the further innovation, that Roman burgesses alone were taken as staff-officers for the Roman half of the army, and if not alone, at any rate mainly, for the Latin half also.<sup>3</sup> On the other hand, just as formerly, no stronger contingent could be demanded from the Latin confederacy as a whole than was furnished by

<sup>1</sup> The original equality of the two armies is evident from Liv. i. 52; viii. 8, 14, and Dionys. viii. 15; but most clearly from Polyb. vi. 26.

<sup>2</sup> Dionysius expressly states, that in the later federal treaties between Rome and Latium the Latin communities were expressly interdicted from calling out their contingents of their own motion and sending them into the field alone.

<sup>3</sup> The Latin staff officers were the twelve *præfecti sociorum*, who had the charge of the two *alæ* of the federal contingent, six to each *ala*, just as the twelve war-tribunes of the Roman army had charge of the two legions, six to each legion. Polybius (vi. 26, 5) states that the consul nominated the former, as he originally nominated the latter. Now according to the ancient maxim of law, that every person under obligation of service might become an officer (p. 96), it was legally allowable for the general to appoint a Latin as leader of a Roman, as well as conversely a Roman as leader of a Latin, legion; and this led to the practical result that the *tribuni militum* were wholly, and the *præfecti sociorum* at least ordinarily, Romans.

men. Koh Jándár, under the impression that he had come on a friendly visit, went out with his sons to meet him, and give him an honourable reception, when Aglírák Malík in his drunkenness drew his sword, with the intention of killing Koh, whose attendants seized the assailant and cut him in pieces.

When the news of this event reached the camp of Aglírák Malík, his troops suspected that he had been the victim of a plot between Koh and A'zam Malík. In consequence of which, they seized A'zam Malík and slew him. They then attacked the camp of Koh, and killed him and his sons. Many were slain on both sides, and even the women took part in the fray, and lost their lives.

About this time Pakchak and 'Aláu-l mulk Sadr were despatched by order of Changíz Khán to punish these drunkards. Pakchak was the commandant of these Mughals, and 'Aláu-l mulk of the infantry, and the residue of those armies of Khiljís, Turkománs, and Ghorians were all put to the sword and dispersed, within two or three months after they had deserted Sultán Jalálu-d dín, either in squabbles amongst themselves, or by the armies of Changíz Khán, so that not a vestige of them remained.

\*     \*     \*     \*     \*

### *Burák Hájb.<sup>1</sup>*

Burák Hájb having had some dispute with Táju-d dín Karímu-s shah, marched away with his army towards Hindustán. In the year 619 H., Ghiyásu-d dín designed to go to Fárs. \* \* \* \* When news was received of the arrival of the Mughal army, under Túlúí<sup>2</sup> Khán, Burák Hájb requested Ghiyásu-d dín to allow him to go to Ispahán, but he went with

<sup>1</sup> The previous history of this adventurer is given by Rampoldi, *Annals Musulmans*, Vol VIII. note 69. See also pp 267, 298, and 555 of the same volume. Hammer spells the name Borrak, in the *Gemaldesaal*

<sup>2</sup> *Tuluf* signifies in the Mongol language "a mirror," and after his death it was forbidden that any other word should be used in this sense, except the Turkí one of *guen-ugu* — D Ohsson's *Hist. Mong*, Tom. II. p 60.

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what elements are to be referred to earlier stipulations, and what to the revision of the alliance in 754.

With somewhat greater certainty the remodelling of the organisation of the several communities belonging to the Latin confederacy, after the pattern of the consular constitution in Rome, may be characterised as an innovation and introduced in this connection. For, although the different communities may very well have arrived at the abolition of royalty in itself independently of each other (p 244), the identity in the appellation of the new annual kings in the Roman and other commonwealths of Latium, and the comprehensive application of the peculiar principle of collegiateness,<sup>1</sup> evidently point to some external connection. At some time or other after the expulsion of the Tarquins from Rome the arrangements of the Latin communities must have been throughout revised in accordance with the scheme of the consular constitution. This adjustment of the Latin constitutions in conformity with that of the leading city may indeed belong to a later period, but

<sup>1</sup> Ordinarily, as is well known, the Latin communities were presided over by two praetors. Besides these there occur in several communities single magistrates, who in that case bear the title of dictator, as in Alba (Orelli—Henzen, *Inscr* 2293), Lanuvium (Cicero, *pro Mil* 10, 27, 17, 45, Asconius, in *Mil* p 32, Orelli, Orelli, n 2786, 5157, 6086), Compitum (Orelli, 3324), Nomentum (Orelli, 208, 6138, 7032, comp Henzen, *Bullett* 1858, p 169), and Aricia (Orelli, n 1455), the latter office was probably connected with the consecration of the temple at Aricia by a dictator of the Latin confederacy (Cato, *Origin* l il fr 21, Jordan). There was a similar dictator in the Latin colony of Sutrium (recently found inscription), and in the Etruscan one of Caere (Orelli, n 3787, 5772). All these magistracies or priesthoods that originated in magistracies (for the praetors and dictators of commonwealths completely broken up, such as the Alban dictator, are to be explained in accordance with Liv ix 43 *Anagninis—magistratibus praeter quam sacrorum curatione interdictum*), were annual (Orelli, 208). The statement of Macer likewise and of the annalists who borrowed from him, that Alba was at the time of its fall no longer under kings, but under annual directors (Dionys v 74, Plutarch, *Romul* 27, Liv i 23), is probably a mere inference from the institution, with which he was acquainted, of the sacerdotal Alban dictatorship which was beyond doubt annual like that of Nomentum, a view in which, moreover, the democratic partisanship of its author may have come into play. It may be a question whether the inference is valid, and whether, even if Alba at the time of its dissolution was under rulers holding office for life, the abolition of monarchy in Rome might not subsequently lead to the conversion of the Alban dictatorship into an annual office.

An exception is presented by the two *dictatores* of Fidenae (Orelli, 112)—a later and incongruous misuse of the title of dictator, which in all other cases, even where it is transferred to non Roman magistrates, implies an exclusion of and a contrast to, collegiateness.

All these Latin magistracies substantially coincide in reality, as well as specially in name, with the arrangement established in Rome by the revolution in a way which is not adequately explained by the mere similarity of the political circumstances in which they originated.

## APPENDIX.

## NOTE A.

*The Hindú Kings of Kábul.*

Abú Rihán al Bírúni has the following statement respecting this dynasty in his lately discovered Arabic work, entitled *Tárikhu-l Hind*: —

“Kábul was formerly governed by princes of Turk lineage. It is said that they were originally from Tibet. The first of them was named Barhtigin, ° ° ° ° and the kingdom continued with his children for sixty generations. ° ° ° ° ° The last of them was a Katormán, and his minister was Kalar, a Bráhmaṇ. This minister was favoured by fortune, and he found in the earth treasures which augmented his power. Fortune at the same time turned her back upon his master. The Katormán's thoughts and actions were evil, so that many complaints reached the minister, who loaded him with chains, and imprisoned him for his correction. In the end the minister yielded to the temptation of becoming sole master, and he had wealth sufficient to remove all obstacles. So he established himself on the throne. After him reigned the Bráhmaṇ(s) Samand, then Kamlúa, then Bhím, then Jaipál, then Anandpál, then Nardajanpál, who was killed in A.H. 412. His son, Bhímpál, succeeded him, after the lapse of five years, and under him the sovereignty of Hind became extinct, and no descendant remained to light a fire on the hearth. These princes, notwithstanding the extent of their dominions, were endowed with excellent qualities, faithful to their engagements, and gracious towards their inferiors. The letter which Anandpál wrote to Amír Mahmúd, at the time enmity existed between them, is much to be admired. ‘I have heard that the

<sup>1</sup> [The *Fragments, Arabes et Persans*, were published in 1845; and this note must have been written by Sir H. Elliot soon after.]

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the annals; and—what is of more importance—we find no fortresses to keep the land in subjection, such as were so numerous established in the Volscian plain. Perhaps this lack of opposition was connected with the fact that the Sabine hordes probably about this very time poured themselves over Lower Italy. Allured by the pleasantness of the settlements on the Tifernus and Volturnus, they may have hardly disputed the possession of their native land with the Romans; and these may have mastered the half-deserted Sabine territory with little opposition.

Far more vehement and lasting was the resistance of the Aequi and Volsci. We do not intend to narrate the feuds annually renewed with these two peoples—feuds which are related in the Roman chronicles in such a way that the most insignificant foray is scarcely distinguishable from a momentous war, and historical connection is totally disregarded; it is sufficient to indicate the permanent results. We plainly perceive that it was the especial aim of the Romans and Latins to separate the Aequi from the Volsci, and to become masters of the communications between them. For this purpose the oldest federal fortresses or so-called Latin colonies were founded, Cora, Norba (assigned to  $\frac{262}{92}$ ), and Signia (stated to have been reinforced in  $\frac{262}{92}$ ), all of which are situated at the points of connection between the Aequian and Volscian districts. The object was attained still more fully by the accession of the Hernici to the league of the Romans and Latins ( $\frac{262}{92}$ ), an accession which isolated the Volscians completely, and provided the league with a bulwark against the Sabellian tribes dwelling on the south and east; it is easy therefore to perceive why this little people obtained the concession of full equality with the two others in counsel and in distribution of the spoil. The feeble Aequi were therefore but little formidable; it was sufficient to undertake from time to time a plundering expedition against them. The Volscians opposed a more serious resistance, and it was only by gradually advancing its fortresses that the league slowly gained ground upon them. Velitrae had already been founded in  $\frac{262}{92}$  as a bulwark for Latium; it was followed by Suessa Pometia, Ardea ( $\frac{262}{92}$ ), and, singularly enough, Circei (founded or at least strengthened in  $\frac{262}{92}$ ), which, as long as Antium and Tarracina continued free, can only have held communication with Latium by sea. Attempts were often made to occupy Antium, and one was temporarily successful in  $\frac{262}{92}$ ; but in  $\frac{262}{92}$  the town recovered its freedom, and it was not till after the Gallic conflagration that,

*Mémoire sur l'Inde*, considers him to be the great Kanika or Kanishka of the Buddhists, and it is respecting this Kanak that the anecdote is related which will be found in this work, Vol. II. p. 10. Mr. Thomas, trusting to translations or abstracts of Al Bírúní, makes Kanak the last of the Turkish kings, and the immediate predecessor of the Brahmin Samand; but as the existence of the great Kanak who opposed the Ráf of Kanauj is not to be disputed, he must consider that the last of the Turks was a second Kanak.

This point requires further consideration, and we must consider what our several authorities say concerning it. The passage in the first line of the extract which I have translated thus, "The last of them was a Katormán," is in the original Arabic of Al Bírúní—

وكان اخرهم لكتوزمان

which M. Reinaud translates, "The last of them (the Turks) was Laktouzemán," which is certainly correct, provided the reading is admitted to be so; but Mr. Thomas, after examining various copies of the *Jámi'u-t tawárikh* and *Bindkiti*—the former of which is a translation, and the latter an abridgement of Al Bírúní's account, finds great reason to dispute it, and leans altogether to another interpretation. He finds the following in an excellent Arabic version of the *Jámi'*, in the library of the Royal Asiatic Society—

ورجع كنك الي ولايته وهو آخر ملوك كتورمان

"and Kanak returned to his country, and he was the last of the Katormán kings."

The corresponding passage in the Persian *Jámi'* in the British Museum is—

وكنك بلولايت خود معاودت كرد و آخرين بادشاهان كتورمان بود

*Bindkiti* has the following—

وبعد از وكنك و او آخرين بادشاهان كتورمان بود

"and after him was Kanak, and he was the last of the Katormán kings."

All the copies of *Bindkiti* which I have seen concur in this reading, and of three several copies of the Persian *Jámi'u-t tawárikh*

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took place, and Rome mastered the individual towns without much trouble. Tusculum was even compelled (in 317) to give up its commonwealth and to enter into the burgess union of Rome—the first instance of a whole people being incorporated with the Roman commonwealth—while it still retained its walls and a sort of *de facto* communal independence. Soon afterwards Satricum met the same fate.

The struggle with the Hernici was more severe (307–306), the first consular commander-in-chief belonging to the plebs, Lucius Genucius, fell in it; but here too the Romans were victorious. The crisis terminated with the renewal of the treaties between Rome and the Latin and Hernican confederacies in 308. The precise contents of these treaties are not known, but it is evident that both confederacies submitted once more, and probably on harder terms, to the Roman hegemony. The institution which took place in the same year of two new tribes in the Pomptine territory shows clearly the mighty advances made by the Roman power.

In manifest connection with this crisis in the relations between Rome and Latium stands the closing of the Latin confederation,<sup>1</sup>

<sup>1</sup> In the list given by Dionysius (v. 61) of the thirty Latin federal cities—the only list which we possess—there are named the Ardeates Aricini Bovillani Bubentani (site unknown) Corni (Corani?), Corventani (site unknown), Circeienses Coriolani, Corbintes Cabani (perhaps the Cabenses on the Alban Mount, *Bull. dell' Inst.* 1861 p. 205) Fortinei (unknown), Gabini, Laurentes, Lanuvini, Lavinates Labicani, Nomentani, Norbani Praenestini Pedani Querquetulani (site unknown) Satricani, Scaptini Setini Tellenni (site unknown), Tiburtini Tusculani, Tolerini (site unknown), Tricrini (unknown) and Veliterni. The occasional notices of communities entitled to participate such as of Ardea (*Liv.* xxxii. 1), Laurentum (*Liv.* xxxvii. 3), Lanuvium (*Liv.* xli. 16), Bovillae, Gabii, Labici (Cicero, *pro Planc.* 9. 23) agree with this list. Dionysius gives it on occasion of the declaration of war by Latium against Rome in 317, and it was natural therefore to regard—according to the view of Niebuhr—this list as derived from the well known renewal of the league in 311. But, as in this list drawn up according to the Latin alphabet the letter g appears in a position which it certainly had not at the time of the Twelve Tables and scarcely came to occupy before the fifth century (see my *Unteritalische Dial.* p. 33), it must be taken from a much more recent source, and it is by far the simplest hypothesis to recognise it as a list of those places which were afterwards regarded as the ordinary members of the Latin confederacy, and which Dionysius in accordance with his systematising custom specifies as its original component elements. It is to be noticed that the list presents not a single non-Latin community, not even Crete, but simply enumerates places originally Latin or occupied by Latin colonies—no one will lay stress on Corbio and Corioli as exceptions. Now if we compare with this list that of the Latin colonies we find that of the nine which had been founded down to 311—Suessa Pometia, Cora Signia Velitrae Norba Antium (if this was really a Latin colony, see p. 343) Ardea, Circeii, and Satricum—the six marked in italics, and on the other

sents the name of a tribe, or prince of that tribe, as well as the name of the country in which that tribe resided. I have therefore translated the disputed line, "The last of them was a Katormán."

Let us now enter upon some of the considerations which this name suggests.

The Katormáns, or Kators, have hitherto been better known to modern than ancient history. We are informed that it was the name of one of the tribes of Káfiristán,<sup>1</sup> and that the ruler of Chitral to this day bears the title of Sháh Kator,<sup>2</sup> and I have heard the same designation given to the chief of Gilgit. The country of Kator is also spoken of by Sádik Isfaháni, as being the country of the Siyáh-poshes, or black-vested, on the borders of Kábul.<sup>3</sup>

These Kators boast still of their Grecian lineage, and their claim to this honour is by no means, as many have supposed, of modern origin, attributable to our own enquiries after the descendants of the followers of the Macedonian conqueror.<sup>4</sup>

We find at the period of Timur's invasion of India, the Katorians making themselves conspicuous for their opposition to that monarch. After leaving Inderáb he entered their difficult country by way of Kháwáh, and after an expedition of eighteen days reduced them to submission. As we thus have proof that this country and people were called by the name of Kator at so early a period, it seems probable that the Kators whom we read of in Abú-l Fazl Bahakí are no other than the descendants of the dynasty we have been considering, and that the Ghaznvide sovereigns organized them among their troops, as we know from the *Tárikh-i Yamíni* that Mahmúd was in the practice of doing with conquered nations, as exemplified in his treatment of the Khiljís, Afgháns, and Indians. It is evident from the extracts given in this work from the *Tabakát-i Albarí* and the *Tárikh-i Mas'údi*, that a body of Kator troops was kept in pay, and that the Tilak mentioned therein was the commander of these foreign troops,

<sup>1</sup> Elphinstone's *Kábul*, vol. ii pp. 376, 387.

<sup>2</sup> Burne's *Dokhara*, vol. ii. p. 209, and *Journal A. S. Bengal*, vol. vii. p. 331.

<sup>3</sup> *Takwimu-l-bulddn*, p. 127.

<sup>4</sup> [For other references to the Kators, see *Thomas's Prinsep*, I. 314 Lassen, *Ind Alt.* III. 890, 1176. *Masson's Narrative*, I. 193. Vigne, *Ghazni*, etc., p. 235 Trumpp, in *Journ. R. A. S.* xix. 1. *Jour. des Sav.* Vol. V, 1855, where M. Viv. de St. Martin attempts to identify them with the Cadrusii of *Pliny* VI. xxiii.]

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Anio; Tibur, Gabii, Scaptia, Labici,<sup>1</sup> Pedum, and Præneste, between the Anio and the Alban range; Corbio, Tusculum, Bovillae, Aricia, Corioli, and Lanuvium on the Alban range; lastly, Laurentum and Lavinium in the plain along the coast. To these fell to be added the colonies instituted by Rome and the Latin league; Ardea in the former territory of the Rutuli, and Velitrae, Satricum, Cora, Norba, Setia and Circeii in that of the Volsci. Besides, seventeen other townships, whose names are not known with certainty, had the privilege of participating in the Latin festival without the right of voting. On this footing—of forty-seven townships entitled to participate and thirty entitled to vote—the Latin confederacy continued henceforward unalterably fixed. The Latin communities founded subsequently, such as Sutrium, Nepete (p. 333), Cales, and Tarracina, were not admitted into the confederacy, nor were the Latin communities subsequently divested of their autonomy, such as Tusculum and Satricum, erased from the list.

With this closing of the confederacy was connected the geographical settlement of the limits of Latium. So long as the Latin confederacy continued open, the bounds of Latium had advanced with the establishment of new federal cities: but as the later Latin colonies had no share in the Alban festival, they were not regarded geographically as part of Latium. For this reason doubtless Ardea and Circeii were reckoned as belonging to Latium, but not Sutrium or Tarracina.

But not only were the places on which Latin privileges were bestowed after  $\frac{3}{4}$  kept aloof from the federal association; they were isolated also from one another as respected private rights. While each of them was allowed to have reciprocity of commercial dealings and probably also of marriage (*commercium et connubium*) with Rome, no such reciprocity was permitted with the other Latin communities. The burgess of Sutrium, for example, might possess in full property a piece of ground in

<sup>1</sup> Livy certainly states (iv. 47) that Labici became a colony in  $\frac{3}{4}$ . But—apart from the fact that Diodorus (xiii. 6) says nothing of it—Labici cannot have been a burgess-colony, for the town did not lie on the coast, and besides it appears subsequently as still in possession of autonomy; nor can it have been a Latin one, for there is not, nor can there be from the nature of these foundations, a single other example of a Latin colony established in the original Latium. Here as elsewhere it is most probable—especially as two *jugera* are named as the portion of land allotted—that a public assignation to the burgesses has been confounded with a colonial assignation (p. 188).

call Ki-to-lo, which Klaproth has converted into Ghidor, descended to the south of the Hindú-kush "in following the valley of the Indus" (?), and invaded India on the north. Among other regions he reduced the province of Pesháwar; but being himself compelled to return westward, left the government of the conquered country to his son.<sup>1</sup> M. Reinaud is of opinion<sup>2</sup> that it is to this Ki-to-lo that Fa-Hian alludes, when he says, "Formerly the king of the Yue-tchi, levied a powerful army, and came to attack the country he was anxious to obtain."

The conquerors, who remained in the valley of Kábul, received the name of the "Little Yue-tchi," while the mass of the nation was designated the "Great Yue-tchi." In these Little Yue-tchi we have the ancestors of our modern Játs, a subject which I may, perhaps, discuss at further length hereafter.

It is impossible not to be struck here with the coincidence of the name of Ki-to-lo with Kitor or Kator, the *l* and the *r* being as usual convertible. Here we seem to have the origin of the name Kitor, the establishment of a prince of that name between Kábul and the Hindú-kush, on the very site of the modern Káfiristán, or land of Siyáh-poshes and the country of Kitor, according to the authorities given above. It is probable that we are to look to one of his descendants for the Katormán, who was the last of the Turkish dynasty; and these united considerations have combined to induce me to adopt the readings to which I have given the preference above.

It is to be observed that Al Birúni asserts the Turkish dynasty of Kábul to have lasted for sixty generations; but we are not to suppose that the crown continued in the same family or tribe, but that they were members of the great Turkish stem of nations, which conveys no more definite notion than the Scythians of the ancients, or the Tartars of the moderns. There may have been Turks of other tribes who ruled in the kingdom, who, whether Sakas, Turushkas, Duráris, Yue-tchis, or Kators, would still be classed under the generic designation of Turks, as the last of the Turks appears to have reigned about A.D. 850. If we allow fourteen years as the

<sup>1</sup> *Nouveaux Mélanges Asiatiques*. Tom. i. p. 223. Laidlay's *Translation of Fa-Hian*. *Foe-koue-hi*, p. 81. *Tableaux Historiques d' l'Asie*. p. 134.

<sup>2</sup> *Mémoire sur l'Inde*, p. 83, from which work the preceding abstract of Yue-tchi history is taken.

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but to hand it over to the Romans. This plainly shows by what chains the Roman community bound to itself its dependencies, and how much a town, which dared to withdraw from the native protectorate, sacrificed or risked by such a course.

It is true that even now the Latin confederacy at least—if not also the Hernican—retained its formal title to a third of the gains of war, and doubtless some other remnants of the former equality of rights, but what was palpably lost was important enough to explain the exasperation which at this period prevailed among the Latins against Rome. Not only did numerous Latin volunteers fight under foreign standards against the community at their head, wherever they found armies in the field against Rome—but in 446 the Latin league itself resolved to refuse to the Romans its contingent. To all appearance a renewed rising of the whole Latin confederacy might be anticipated at no distant date, and at that very moment a collusion was imminent with another Italian nation which was able to encounter on equal terms the united strength of the Latin stock. After the overthrow of the Volscians no considerable people in the first instance opposed the Romans in the south, their legions unchecked approached the Liris. As early as 357 they had contended successfully with the Privernates, and in 347 with the Aurunci, from whom they wrested Sorci on the Liris. Thus the Roman armies had reached the Samnite frontier, and the friendly alliance, which the two bravest and most powerful of the Italian nations concluded with each other in 484, was the sure token of an approaching struggle for the supremacy of Italy—a struggle which threatened to become interwoven with the dangerous crisis in the Latin nation.

The Samnite nation, which, at the time of the expulsion of the Tarquins from Rome, had doubtless already been for a considerable period in possession of the hill country which rises between the Apulian and Campanian plains and commands them both, had hitherto found its further advance impeded on the one side by the Daunians—the power and prosperity of Arpi fall within this period—on the other by the Greeks and Etruscans. But the fall of the Etruscan power towards the end of the third, and the decline of the Greek colonies in the course of the fourth century, made room for them towards the west and south, and now one Samnite host after another marched down to, and even moved across, the south Italian seas. They first made their appearance in the plain adjoining the bay, with which the name of the Campanians has been associated from the beginning of the

the whole valley of Kábul, the province of Pesháwar, the Panjáb and Kashmir. He crossed the Hindu kush and Himálaya, and subjected Tukháristán and Little Tibet. He received the title of the Lord of Jambú dwípa, which is equivalent to "The Paramount of all India." He was a long time a stranger to the dogmas of Buddhism, and despised the law, until, by chance, he was converted to that faith, and became one of its most zealous disciples and promoters.

The same Chinese author states that he reigned four hundred years after the death of Buddha, which, as it occurred 544 years before our era, would bring it to more than a century before Christ, but as he expresses his dates in round numbers, we cannot rely much upon his precision. We may with more probability look for it a century later, if, at least, he be the same as Kanerkes, for among the coins and other objects bearing his name, which were found in the tope of Manikyálá, and which would appear to indicate that that monument was constructed under the reign of that prince, certain Roman medals were also found of the period of Octavius and Antony extending to as low as 31 B.C.<sup>1</sup>

The Yue tchi evidently established themselves in Kábul subsequent to the reign of Kanishka, and probably not long after, for Fa-Huan, about the year 100 A.D., speaks of their occupation of that valley, as if it were a transaction of no recent date. If we assign to Ki to lo the date of A.D. 200, we shall have nearly seven hundred years from the first to the last of the Katoruin dynasty, during which, probably, other families and other tribes may have intermediately occupied the throne, without entirely subverting the right of the Yue tchi conquerors of the valley.

The statement of Al Bírúní, respecting the occupation of Kábul by the Turks, is in strict conformity with Biladurí and Iabarí, and with the brief notices which the other early Arabic historians and geographers have given us respecting that city. They couple it, however, with the curious announcement of an occupation divided between the dominant Turks and subject Hindus. Mr E. Thomas

<sup>1</sup> M. Raoul Rochette *Journal des Savants*, ann. 1836, p. 70. [Thomas Prinsep I. 150, and Index, v. Manikyála.]

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proper with their ' five tongues ' as reaching from the one sea to the other, and specifies the Campanians as adjoining them on the Tyrrhene sea to the north, and the Lucanians to the south, amongst whom in this instance, as often, the Bruttii are included, and who already had the whole coast apportioned among them from Paestum on the Tyrrhene, to Thurii on the Ionic sea. In fact to one who compares the achievements of the two great nations of Italy, the Latins and the Samnites, before they came into contact, the career of conquest on the part of the latter appears far wider and more splendid than that of the former. But the character of their conquests was essentially different. From the fixed urban centre which Latium possessed in Rome the dominion of the Latin stock spread slowly on all sides, and lay within limits comparatively narrow, but it planted its foot firmly at every step, partly by founding fortified towns of the Roman type with the rights of dependent allies, partly by Romanising the territory which it conquered. It was otherwise with Samnium. There was in its case no single leading community and therefore no policy of conquest. While the conquest of the Veientine and Pomptine territories was for Rome a real enlargement of power, Samnium was weakened rather than strengthened by the rise of the Campanian cities and of the Lucanian and Bruttian confederacies, for every swarm, which had sought and found new settlements, thenceforward pursued a path of its own.

The Samnite tribes filled a disproportionately large space, while yet they showed no disposition to make it thoroughly their own. The larger Greek cities, Tarentum, Thurii, Croton, Metapontum, Heraclea, Rhegium, and Neapolis, although weakened and often dependent, continued to exist, and the *Hydruntines* were *colonies* even in the open country and in the smaller towns, so that Cumae for instance, Posidonia, Laus, and Hipponium, still remained—as the *Periplus* already mentioned and coins show—Greek cities even under Samnite rule. Mixed populations thus arose, the bi lingual Bruttii, in particular, included Hellenic as well as Samnite elements and even perhaps remains of the ancient autochthones, in Lucania and Campania also similar mixtures must to a lesser extent have taken place.

The Samnite nation, moreover, could not resist the dangerous charm of Hellenic culture, least of all in Campania, where Neapolis early entered into friendly intercourse with the immigrants, and where the sky itself humanised the barbarians.

quote any of the later geographers, who add nothing to our information, and are careless as well as confused in their statements.

Before concluding this subject of the Turkish occupation of Kábul, the statement of Ibn Khallikán should be noticed, who states in his article on "Ya'kúb bin Laís," that Kábul, in the times of that prince, was inhabited by a Turkish race who appertained to a tribe called *Durdri*. This name is new, and the assertion would authorise us to conclude that in his time the Turks were still predominant, though that fact would scarcely seem consistent with what we shall have to advance under *Kamlúa*. It is possible that the term *Durári* may have connection with Darra, a hill pass, and that allusion may be to the country to the north of Kábul, just in the same way as in modern times the inhabitants of those same tracts are styled in Kábul "*Kohistánís*," or hill-men.

It does not appear when the city was either first or finally subdued by the Muhammadans. It is evident, however, that the first inroads were not followed by permanent occupation, and that there was no entire subversion of the native dynasty till the Ghaznivide dynasty rose to power.

The first invasion we read of was in the time of 'Abdu-llah, governor of 'Irák, on the part of the Khalif 'Usmán. He was directed by the Khalif to send an emissary to explore the provinces of Hind; and notwithstanding a discouraging report, 'Abdu-lla ordered the country of Sijistán to be invaded by one of his cousins, 'Abdu-r Rahman, son of Samra. 'Abdu-r Rahmán advanced to the city of Zaranj, and besieged the Marzábán, or Persian governor, in his palace, on the festival of the 'Id. The governor solicited peace, and submitted to pay a tribute of two millions of dirhams and two thousand slaves. After that, 'Abdu-r Rahmán subdued the country between Zaranj and Kish, which was then styled Indian territory, and the tract between Ar-Rukhaj (Arachosia) and the province of Dáwar—in which latter country he attacked the idolaters in the mountain of Zúr, who sued for peace; and though he had with him 8,000 men, the booty acquired during this incursion was so great, that each man received four thousand pieces of silver as his share. Their idol of Zúr was of gold, and its eyes were two rubies. The zealous Musulmán cut off its hand and plucked out its eyes, and then

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fluence of the Greek model into greater clearness and delicacy. We meet even with isolated traces of the influence of Greek philosophy.

The Samnite land, properly so called, alone remained unaffected by these innovations, which, beautiful and natural as they may to some extent have been, powerfully contributed to relax still more the bond of national unity which even from the first was loose. Through the influence of Hellenic habits a deep schism took place in the Samnite stock. The civilised "Philhellenes" of Campania were accustomed to tremble like the Hellenes themselves before the ruder tribes of the mountains, who were continually penetrating into Campania and disturbing the degenerate earlier settlers. Rome was a compact state, having the strength of all Latium at its disposal; its subjects might murmur, but they obeyed. The Samnite stock was dispersed and divided; and, while the confederacy in Samnium proper had preserved unimpaired the manners and valour of their ancestors, they were on that very account completely at variance with the other Samnite tribes and towns.

In fact, it was this variance between the Samnites of the plain and the Samnites of the mountains that led the Romans over the Liris. The Sidicini in Teanum, and the Campanians in Capua, sought aid from the Romans ( $\frac{4}{3}$ ) against their own countrymen, who in swarms ever renewed ravaged their territory and threatened to establish themselves there. When the desired alliance was refused, the Campanian envoys made offer of the submission of their country to the supremacy of Rome: and the Romans were unable to resist the bait. Roman envoys were sent to the Samnites to inform them of the new acquisition, and to summon them to respect the territory of the friendly power. The further course of events can no longer be ascertained in detail;<sup>1</sup> we discover only that—whether after a

<sup>1</sup> Perhaps no section of the Roman annals has been more disfigured than the narrative of the first Samnite-Latin war, as it stands or stood in Livy, Dionysius, and Appian. It runs somewhat to the following effect. After both consuls had marched into Campania in  $\frac{4}{3}$ , first the consul Marcus Valerius Corvus gained a severe and bloody victory over the Samnites at mount Gaurus, then his colleague Aulus Cornelius Cossus gained another, after he had been rescued from annihilation in a narrow pass by the self-devotion of a division led by the military tribune Publius Decius. The third and decisive battle was fought by both consuls at the entrance of the Caudine Pass near Suessula; the Samnites were completely vanquished—forty thousand of their shields were picked up on the field of battle—and they were compelled to make a peace, in which the Romans retained Capua, which had given itself over to their possession, while they left Teanum to the Samnites ( $\frac{4}{3}$ ). Congratulations came from all sides,

Kabul from Merv, under 'Abdu r Rahmán bin Shimar, and had made converts of twelve thousand persons. Muhallab subsequently made himself conspicuous as governor of Alahwar, and exterminator of the Azrakian insurgents, and as a traitor to his master, 'Abdu llah ibn Zubair, the Khalif of Mecca. He was the ancestor of those chiefs, who, under the name of Muhallabís, often occur in the history of the later members of the Ummaya family, until they were nearly exterminated at Kandabil in 101 <sup>1</sup>. Gildemeister doubts the truth of this expedition, as Sijistan had not yet been conquered, but he forgets that the Musulmans did not penetrate to India through Sijistan, but through Kabul.

In Biladuri's account of this interesting expedition, there is a curious relation which must not be altogether omitted. He informs us that in the country of Kíshan, Muhallab encountered eighteen Turks, mounted on horses with their tails cut. As they were all killed fighting, Muhallab attributed the activity and valour of "the barbarians" to the fact of their horses' tails being cut. "Upon which he ordered his own horses' tails to be docked, and he was the first amongst the Musulmans who adopted the practice" <sup>2</sup>.

About the same time, 'Abbád, the son of Ziyad, made an incursion on the frontier of India, by way of Sijistan. He went through Rudbar to the Hindmand (Helmand), and after staying at Kish, he crossed the desert, and reached Kandahar. Although the country was conquered, many Musulmans lost their lives in this expedition <sup>3</sup>.

Biladuri informs us that under the Khilafat of Mu'awiya, 'Abdu r Rahmán, son of Samrah, penetrated to the city of Kabul, and obtained possession of it after a month's siege. He conquered also the circumjacent countries, especially Ar Rukhaj (Arachosia). The king of Kabul made an appeal to the warriors of India, and the Musulmans were driven out of Kabul. He recovered all the other conquered countries, and advanced as far as Bust, but on the approach of another

<sup>1</sup> *Erpenius Elmacin Historia Saracenicæ*, ann 101.

<sup>2</sup> Biladuri, see Vol. 1. p. 116. Briggs, *Firishta*, vol. 1. p. 4. The Chinese authorities seem to allude to this expedition. *Mémoires concernant les Chinois*, Tom xv. p. 474. See also *Fom* xvi. p. 372-5. Hammer, *Gemäldeaal der Lebensbeschreibungen*, vol. 11. p. 9.

<sup>3</sup> Biladuri, *ut supra*. Weil, *Geschichte der Chalifen*, vol. 1. p. 292.

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the optimate party that adhered to the treaty with Rome, should make common cause with the Latin confederacy, and how the Volscians should no less recognise in this Latin revolt the last chance of recovering their freedom and should likewise take to arms, but we do not know through what motives the Hernici abstained like the Campanian aristocracy from taking part in the revolt. The position of the Romans was critical, the legions which had crossed the Liris and occupied Campania were cut off by the revolt of the Latins and Volsci from their home, and a victory alone could save them. The decisive battle was fought near Trifanum (between Minturnæ, Suessa, and Sinuessa) in 418, the consul Titus Manlius Imperator Torquatus achieved a complete victory over the united Latins and Campanians. In the two following years the several towns of the Latins and Volsci, so far as they still offered resistance, were reduced by capitulation or assault, and the whole country was brought into subjection.

The effect of the victory was the dissolution of the Latin league. It was transformed from an independent political federation into a mere association for the purpose of a religious

territory to Capua, while all Latium was in arms against Rome. To say nothing of the equally confused and sentimental account of the military insurrection of 413, and the story of its compulsory leader, the lame Titus Quinctius, the Roman Götz von Berlichingen. Still more suspicious, perhaps, are the repetitions. Such is the story of the military tribune Publius Decius modelled on the courageous deed of Marcus Calpurnius Flaminius or whatever he was called in the first Punic war, such is the recurrence of the conquest of Privernum by Gaius Manlius in the year 416, which second conquest alone is registered in the triumphal Fasti, such is the self immolation of Publius Decius, repeated, as is well known, in the case of his son in 408. Throughout this section the whole representation betrays a different period and a different hand from the other more credible accounts of the annals. The narrative is full of heraldic pictures of battles—of inwoven anecdotes, such as that of the factor of Setia, who breaks his neck on the steps of the senate house because he had been audacious enough to solicit the consulship, and the various anecdotes concocted out of the surname of Titus Manlius, and of prolix and somewhat suspicious archæological digressions. In this class we include the history of the legion—of which the notice most probably apocryphal, in Liv. i. 32, regarding the maniple of Romans and Latins intermingled formed by the second Tarquin is evidently another fragment, the erroneous view given of the treaty between Capua and Rome (see my *Röm. Monarchien*, p. 334, n. 122), the formularies of self devotion, the Campanian *denarius*, the Laurentine alliance and the *duo jugera* in the assignation (p. 347, n.). Under such circumstances it appears a fact of great importance that Diodorus who follows other and often older accounts, knows absolutely nothing of any of these events except the last battle of Trifanum, a battle in fact that ill accords with the rest of the narrative which, in accordance with the rules of poetical justice, ought to have concluded with the death of Decius.

stipulated that if his expedition should be attended with success, Ranbal should be absolved from every species of tribute, provided the latter should agree to afford him an asylum in the event of failure. After many vicissitudes of fortune, 'Abdu r Rahman was at last compelled to seek the protection of his ally, who, after treating him for some time with kindness and hospitality, was at last seduced by the promises or by the threats of Hajjaj to deliver up his guest. 'Abdu-r Rahman frustrated the vindictive designs of his enemy by throwing himself down from a precipice while he was on his way—A II 84<sup>1</sup>

The interest which this contest excited throughout the Khulafat seems to have invested the Prince of Kabul with a fictitious celebrity, insomuch that he is the hero of many Arab stories of the holy wars on the frontiers of Hind. Nevertheless there is no certainty as to the proper mode of spelling the name. The various readings of the European authors who have noticed him show how little the orthography is settled. Ockley<sup>2</sup> calls him "Zentil," Weil,<sup>3</sup> "Zenbil," Reinaud,<sup>4</sup> "Ratbyl" and "Zenbyl" Wilson,<sup>5</sup> "Rateil, Ratpeil, Ratbal, Rantal, Zantil"—variations easily accounted for by the nature of the Persian letters." D Thomas,<sup>6</sup> "Ratpil," Price,<sup>7</sup> "Reteil," "Rattail," or "Retpeil"<sup>8</sup>

Price observes that the name bespeaks him to be either a Tartar or Hindu, and that the real name might perhaps have been Vittel, still common among the Hindus. Wilson considers it as a genuine Indian appellation, Ratná pála or Rutun pal<sup>9</sup>

<sup>1</sup> Price's *Mahommedan History*, Vol 1 pp 455-463

<sup>2</sup> *History of the Saracens*, Bohn's Edit., p, 490

<sup>3</sup> *Geschichte der Chalifen*, 1 pp 449, 461

<sup>4</sup> *Memoire sur l Inde*, pp 71, 72, and 178

<sup>5</sup> *Ariana Antiqua*, p 133

<sup>6</sup> *Journal of the Royal Asiatic Society*, Vol. xii p 344

<sup>7</sup> *Retrospect of Mahommedan History*, Vol 1, pp 454-6

<sup>8</sup> [The *Mujmalu t Tawárikh* (Paris MS p 274) says —

و پادشاهان روس کابل و سندرا رتیل گوید

<sup>9</sup> "The Kings of Kabul and Sind are called Ratbil. Ibn Khurdadba (Oxford MS p 26), has رتیل which M Barbier de Meynard (*Journ Asiatique*, 1865, p 251) renders "*Le roi de Sistan Rotbil* Mas'udi (Paris Ed ii p 87), has "Zenbil qui est resté commun jusqu'à ce jour. The various readings of the *Jami u l Hikdyt* have been noticed in a previous page, *supra* 178.]

<sup>9</sup> *Ariana Ant* p 133

dependent on Rome with *Caerite* rights. To secure the pre-eminently important city of *Capua*, the breach between the nobility and commons was artfully widened and the general administration was revised and controlled in the interest of Rome. The same treatment was measured out to *Privernum*, whose citizens, supported by *Vitruvius Vaccus* a bold partisan belonging to *Fundi*, had the honour of fighting the last battle for Latin freedom; the struggle ended with the storming of the town (436) and the execution of *Vaccus* in a Roman prison. In order to rear a population devoted to Rome in these regions, they distributed, out of the lands won in war particularly in the *Privernate* and *Falernian* territories, so numerous allotments to Roman burgesses, that a few years later (434) they were able to institute there two new tribes. The establishment of two fortresses as colonies with Latin rights finally secured the newly won land. These were *Cales* (432) in the middle of the *Campanian* plain, whence the movements of *Teanum* and *Capua* could be observed, and *Fregellae* (432), which commanded the passage of the *Liris*. Both colonies were unusually strong, and rapidly became flourishing, notwithstanding the obstacles which the *Sidicines* interposed to the founding of *Cales* and the *Samnites* to that of *Fregellae*. A Roman garrison was also despatched to *Sora*, a step of which the *Samnites*, to whom this district had been left by the treaty, complained with reason, but in vain. Rome pursued her purpose with undeviating steadfastness, and displayed her energetic and far-reaching policy—more even than on the battle-field—in the securing of the territory which she gained by enveloping it, politically and militarily, in a net whose meshes could not be broken.

As a matter of course, the *Samnites* could not behold the threatening progress of the Romans with satisfaction, and they probably put obstacles in its way; nevertheless they neglected to intercept the new career of conquest, while there was still perhaps time to do so, with that energy which the circumstances required. They appear indeed in accordance with their treaty with Rome to have occupied and strongly garrisoned *Teanum*; for while in earlier times that city sought help against *Samnium* from *Capua* and *Rome*, in the later struggles it appears as the bulwark of the *Samnite* power on the west. They spread, conquering and destroying, on the upper *Liris*, but they neglected to establish themselves permanently in that quarter. They destroyed the *Volscian* town *Fregellae*—by which they simply facilitated the institution of the Roman colony there which we have just

ally, protector, and betrayer of 'Abdu r Rahmán, must have been one of the Turkish dynasty of Kábul, of the Buddhist persuasion. We find, from the Arabic histories of the period, that some of his relatives still held dominion in Transoxiana, though the relationship was probably rather that of tribe than family. If the family had been Hindu rather than Turkish, Ranbal, "strong in battle," would have been sufficiently significative to render that the most likely reading of this disputed name. The probable prevalence, however, of the language of the Hindus in these parts might still have encouraged the use of the terms, notwithstanding that the Brahmans had not yet attained their supremacy.

In 107 A.H.=725-6 A.D., under the Khilafat of Hasham, part of the dominions of Kábul was taken, but the capture of the town itself is not noticed.<sup>1</sup>

The lieutenants of the Khalifs Al Mahdí and Ar Rashíd took tribute from the Ranbal of Sijistán proportioned to the strength or weakness of that prince, and named governors to the countries where Islam prevailed—A.H. 158-193=A.D. 775-809. When Al Mamun was made governor of Khurasan, he demanded double tribute. He took Kábul, and the king submitted, and professed Islam. An agent on the part of Mamun resided in that city, and a post was established which enabled Al Mamun to procure from it fresh myrobalans.<sup>2</sup>

After this we read nothing of Kábul till the time of the Saffarides—A.H. 256=A.D. 868-9.<sup>3</sup> In the succeeding year<sup>4</sup> Ya kub Laís took Kábul, and made its prince a prisoner. The king of Ar Rukhaj was put to death, and its inhabitants forced to embrace Islam. Ya kub returned to his capital loaded with booty, and carrying with him the heads of three kings, and many statues of Indian divinities, which were amongst the booty, were sent to Baghdad for presentation to the Khalif.<sup>5</sup>

This Muhammadan conquest appears to have been more durable

<sup>1</sup> Gladwin's *Ayl: Akberi* Vol. II p. 209. Price's *Mahomedan History*, Vol. I, p. 567. <sup>2</sup> Biláduří quoted in the *Mém. sur l'Inde* p. 196-7.

<sup>3</sup> *Historia priorum regum Persarum* etc. p. 19. <sup>4</sup> *Tabadat: Ndsiri*.

<sup>5</sup> Ibn Asir, *Kitabu l-f'hrisf*, and Ibn Khallikán, quoted in *Mém. sur l'Inde* p. 209.

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## CHAPTER VI

### STRUGGLE OF THE ITALIANS AGAINST ROME

WHILE the Romans were fighting on the Liris and Volturnus, other conflicts agitated the south east of the peninsula. The wealthy merchant republic of Tarentum, daily exposed to more serious peril from the Lucanian and Messapian bands and justly distrusting its own sword, gained by good words and better coin the help of *condottieri* from the mother country. The Spartan king, Archidamus, who with a strong band had come to the assistance of his fellow Dorians, succumbed to the Lucanians on the same day on which Philip conquered at Chaeronea ( $\frac{4}{3}\frac{1}{8}$ ), a retribution, in the belief of the pious Greeks, for the share which nineteen years previously he and his people had taken in pillaging the sanctuary of Delphi. His place was taken by an abler commander, Alexander the Molossian, brother of Olympias the mother of Alexander the Great. In addition to the troops which he had brought along with him he united under his banner the contingents of the Greek cities, especially those of the Tarentines and Metapontines, the Poediculi (around Rubi, now Ruvo), who like the Greeks found themselves in danger from the Sabellian nation, and lastly, even the Lucanian exiles themselves, whose considerable numbers point to the existence of violent internal troubles in that confederacy. Thus he soon found himself superior to the enemy. Consentia (Cosenza), which seems to have been the federal head quarters of the Sabellians settled in Magna Graecia, fell into his hands. In vain the Samnites came to the help of the Lucanians, Alexander defeated their combined forces near Paestum. He subdued the Daunians around Sipontum, and the Messapians in the south-eastern peninsula, he already commanded from sea to sea, and was on the point of arranging with the Romans a joint attack on the Samnites in their native abodes. But successes so unexpected went beyond the desires of the Tarentine merchants, and filled them with alarm. War broke out between them and their captain, who had come amongst them a hired mercenary and now appeared desirous to found an Hellenic empire in the west like his nephew

no violent alteration of the text. Indeed the mere omission of *هو* from the Arabic, and *و* from the Persian reconciles everything and this last omission is actually made in the British Museum MS

The writers themselves knew little of the state of the case, and wished merely to translate Al Biruni, who knew well enough what he was writing. For instance, Bin ikiti wishing to reduce the narrative of the *Jami'*, makes it appear that Ujen was the predecessor of Kanak. Haidar Razi, again, among the names of the illustrious Kings of India who succeeded Basdeo (here meant not for him of Kanauj, but the great Krishna) mentions Arjun and Jasand (the former being manifestly the famous hero of the *Mahā bhārata*, and the latter Jarisandha), and "after him came Kanak, Chand." This thorough indifference to correct chronology, enables us to see that by Ujen is meant Arjun, the senior of Kanak by several centuries. Mr Thomas is persuaded that to this Kanak, the last of the Turks are to be ascribed the coins which bear the name of Sri Vanka Deva "of the elephant-and lion type of coin, which preceded the bull and horseman money introduced by the Brahmans. The similitude of names and the needful correspondence of all available evidence are surely sufficient to authorise our indicating Vanka Deva" as the Kanak above mentioned. This is by no means admissible, and he has himself since found that the real reading on the coin is Vanka, and has, consequently, altogether abandoned this speculation.<sup>1</sup>

*Kalar* "is, we have little doubt, the Syalapati of our coins. There is less difference in sound between Syala and Kalar than would at first be imagined, so that if our translator, Al Biruni, wrote his Arabic version from oral tradition, this slight change in the initial pronunciation of the name would be fairly probable. This is carrying speculation to an extreme, and there is no warrant whatever for the presumed identification.

<sup>1</sup> [Mr Thomas, who might naturally desire to reply to these early criticisms on his confessedly initiatory essay on the coins in question agrees with me in thinking that Sir H Elliot's text should be preserved intact in the present publication, without comment or controversy on his part. This kind of knowledge is happily progressive, and many valid advances may be admitted to have been made between the theories of 1847 and 1868, without compromising the original author or his censor of days gone by. Many of the objections here advanced have already been answered, in anticipation, by Mr Thomas in his edition of *Prinsep's Essays* (London, 1868), an extract from which will be found below (p. 428).]

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of this continuance of a single name, that it requires far less boldness to adopt this simple explanation, than to seek grounds for establishing a position which, from its many improbabilities, is always open to question. It may, perhaps, be admitted that the coins which bear the simple name of *Srī Samant Deva* are to be referred to the Samand of Abu Rihān, but even that admission is open to objection, there being a double mis spelling in the name, for in the former we have a short *a* instead of a broad one, and a *t* instead of a *d*<sup>1</sup>.

It appears to me, then, that Samanta, whenever it is found with another name, is throughout merely a title, meaning the warrior, the hero, the *preux chevalier*, the leader of an army, the Amir, and that after being used concurrently with *Srī Hamīr* on the later Ghaznvide coins, it was by the early Ghorian monarchs altogether displaced by that more appropriate title.

At this latter period the prevalence of the title of Samant is obvious from its frequent use by the bard Chand, who has celebrated the exploits of Rai Pithaura, and his three hundred Samants, or stalwart knights.

*Kamlua*—Mr Thomas wishes to appropriate to this monarch a medal bearing the legend of *Khiadayaka* or *Khedarayaka*, while he confesses that even to liberal ears these names are not quite accordant in sound. He then seeks to justify the appropriation by mutations, blots, or intermixture of letters<sup>2</sup>. We must reject this, it being not worthy of the least credit, and the discovery of the name of *Kamlua* in another history sets the question at rest, and establishes the correctness of Al Biruni.

This discovery is in other respects important, as enabling us to fix a synchronism by which we may conjecture the periods of the other monarchs of this dynasty. In one of the stories translated from the *Jam'ū-l Hikāyat*,<sup>3</sup> it will be found that he was a contemporary of 'Amru Lais, who reigned between 265 287 A H = 878 900 A.D. *Kamlua* is there called the Raf of Hindustan, and he must have ruled sometime within this period.

If we admit that these names represent a continuous series of

<sup>1</sup> [Longperier reads the name with a long *d*—*Sd nanta*. See *Fragments Arabes et Persans*, 221-223.]

<sup>2</sup> *Jour R. A. S.*, ix p 180

<sup>3</sup> See *supra*, p 172

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Samnium, fighting and pillaging, as far as the territory of the Vestini, and even as far as Apulia, where they were received with open arms; everywhere they had very decidedly the advantage. The courage of the Samnites was broken, they sent back the Roman prisoners, and along with them the dead body of the leader of the war party, Brutulus Paprus, who had anticipated the Roman executioners, when the Samnite national assembly determined to ask the enemy for peace and to procure for themselves more tolerable terms by the surrender of their bravest general. But when the humble, almost suppliant, request was not listened to by the Roman people (§§§), the Samnites, under their new general Gaius Pontius, prepared for the utmost and most desperate resistance. The Roman army, which under the two consuls of the following year (§§§) Spurius Postumius and Titus Veturius was encamped near Calatia (between Capua and Maddaloni), received accounts, confirmed by the affirmation of numerous captives, that the Samnites had closely invested Luceria, and that that important town, on which depended the possession of Apulia, was in great danger. They broke up in haste. If they wished to arrive in good time, no other route could be taken than through the midst of the enemy's territory—where afterwards, in continuation of the Appian Way, a Roman road was constructed from Capua by way of Beneventum to Apulia. This route led, between the present villages of Arpaja and Montesarchio,<sup>1</sup> through a watery meadow, which was wholly enclosed by high and steep wooded hills and was only accessible through deep defiles at the entrance and outlet. Here the Samnites had posted themselves in ambush. The Romans, who had entered the valley unopposed, found its outlet obstructed by abatis and strongly occupied; on marching back they saw that the entrance was similarly closed, while at the same time the crests of the surrounding mountains were crowned by Samnite cohorts. They perceived, when it was too late, that they had suffered themselves to be misled by a stratagem, and that the Samnites awaited them, not at Luceria, but in the fatal pass of Caudium. They fought, but without hope of success and without definite aim; the Roman army was totally unable to manœuvre and was com-

<sup>1</sup> The general position of the place is certain enough, for Caudium certainly lay near Arpaja, but it is more doubtful whether the valley between Arpaja and Montesarchio is meant, or that between Arseno and Arpaja, for the latter appears to have been since that time raised by natural agencies at least one hundred palms. I follow the current hypothesis without undertaking to defend it.

indeed, are now so certain that these coins do belong to the Kábul series, and trace with such confidence the relative antiquity of each extant medal from the difference in devices and execution, that we may readily concede the point to such able and experienced enquirers. All that is required is that there should be no unnatural forcing to suit preconceived theories.

Mr. Thomas has conjectured on other grounds that the accession of Sámand occurred in 935 A.D.,<sup>1</sup> but his computation does not rest on any such specific dates as the two mentioned above, and he considers that, under any circumstances, it is imperfect, and that "the utmost the materials at our command enable us to assert with any degree of certainty is that Syála's usurpation took place early in the tenth century;" but even this certainty is dispelled by the establishment of the fact that Kamlúa was, unquestionably, a contemporary of 'Amrú Lais. Altogether, we may consider the subversion of the Turk by the Brahman dynasty to have occurred about 850 A.D., shortly before its capture by Ya'kub Lais; and as it appears from the Arab geographers that Musulmán's held the castle, it is evident that the Brahmans were only occasionally dominant, and did not hold their power without long and frequent interruptions.

*Bhím.*—The coins of Bhím are found in Kábulistán, but are seldom, if ever, met with in India. There is no reason to doubt that this is the same Bhím as the Srí Bhím Deva of the bull-and-horseman series, and this is the only one of which the identification can be admitted without question.

M. Reinaud considers that this Bhím is the one mentioned by 'Utbi and Firishta as the founder of Nagarkot;<sup>2</sup> but there is more reason to believe the hero of the *Mahá-bhárata* to be the one indicated.

*Jaipál I.*—It is strange that no coins of Jaipál are found. Firishta calls him the son of Ishtpál,<sup>3</sup> and distinctly avers that he was a Brahman, and Bírúni also includes him in that dynasty; but the introduction of the term Pál, which is now continued to the close of the dynasty, might incline us to suppose that a new family had com-

<sup>1</sup> *Journal Royal Asiatic Society*, vol. ix. p. 179.

<sup>2</sup> *Mémoire sur l'Inde*, p. 257.

<sup>3</sup> [Briggs' translation says "Hutpál," but the lithographed text has "Ishtpál."]

its ratification by the burgesses. According to the spirit and practice of the constitution it was quite an established principle that every state-agreement, not purely military, in Rome pertained to the province of the civil authorities, and a general who concluded peace without the instructions of the senate and the burgesses exceeded his powers. It was a greater error on the part of the Samnite general to give the Roman generals the choice between saving their army and exceeding their powers, than it was on the part of the latter that they had not the magnanimity absolutely to reject the suggestion; and it was right and necessary that the Roman senate should reject such an agreement. A great nation does not surrender what it possesses except under the pressure of extreme necessity: all treaties making concessions are acknowledgments of such a necessity, *not moral obligations*. If every people justly reckons it a point of honour to tear to pieces by force of arms treaties that are disgraceful, how could honour enjoin a patient adherence to a convention like the Caudine to which an unfortunate general was morally compelled, while the sting of the recent disgrace was keenly felt and the vigour of the nation subsisted unimpaired?

Thus the convention of Caudium did not produce the rest which the enthusiasts for peace in Samnium had foolishly expected from it, but only led to war after war with exasperation aggravated on either side by the opportunity forfeited, by the breach of a solemn engagement, by military honour disgraced, and by comrades that had been abandoned. The Roman officers given up were not received by the Samnites, partly because they were too magnanimous to wreak their vengeance on those unfortunates, partly because they would thereby have admitted the Roman plea that the agreement bound only those who swore to it, not the Roman state. Magnanimously they spared even the hostages whose lives had been forfeited by the rules of war, and preferred to resort at once to arms. Luceria was occupied by them and Fregellae surprised and taken by assault ( $\frac{434}{370}$ ) before the Romans had reorganised their broken army; the junction of the Satricans with the Samnites shows what they might have accomplished, had they not allowed their advantage to slip through their hands. But Rome was only momentarily paralysed, not weakened; full of shame and indignation the Romans raised all the men and means they could, and placed the highly experienced Lucius Papirius Cursor equally distinguished as a soldier and as a

Jaipál, Turu Jaipál, Parou Jaipál, Nardajanpála, Niranjanpál, Tasdar Jaipál, and many more.<sup>1</sup> The latest reading proposed by M. Reinaud is Trilochan Pál, after the "three-eyed" Siva. Persian authors generally call him Nabíra Jaipál, or the grandson of Jaipál, and in that relationship no doubt he stood to the first Jaipál. Hence Dow calls him "Pitterugepál." The real name was, perhaps, Púr Jaipál, or Jaipál junior, Jaipál the son or grandson. Al Bírúní tells us that his father Anandpál was an inveterate enemy of the Musulmán's from the time that Púr Jaipál was taken prisoner, but Púr Jaipál himself was well disposed towards them.

According to 'Utbf we find him holding dominion as far eastward as Kanauj and the Ráhib, respecting which the note on the ninth and twelfth expeditions of Mahmúd may be consulted. The same author mentions another son of Anandpál, by the name of Brahman Pál, who is probably a different one.

Abú Rihán informs us that he was killed in 412 A.H.=1021-2 A.D. It does not appear exactly when he began to reign, but he certainly opposed Mahmúd during the Kanauj campaign in 409 H.

*Bhím Pál.*—In him we have the last of the dynasty of Kábul and Northern India. As he is mentioned by Abú Rihán, he must have succeeded to some remnant of his father's domains; but it does not appear that in his time he contested the advance of the Muhammadans, though before he ascended the throne we find him taking an active part in defending his father's dominions, under the name of Nídar Bhím, "Bhím the Dauntless."<sup>2</sup>

From his letter to Chand Ráf, which is recorded by 'Utbf, it would appear that he was inclined to peaceful counsels, and that bitter experience had taught him the hopelessness of contending with his relentless and sanguinary rivals.<sup>3</sup>

From a statement in the *Tárikhu-l Hind*, we may infer that his capital was Bári, to the east of Kanauj.

Neither of Bhím Pál, nor of any other of the Pál family, are any coins extant.

Bhím Pál survived his father five years, and died, therefore, in 417 A.H., the eventful year of the capture and plunder of Somnát. Haidar Rázi gives nine years as the period of his reign.

<sup>1</sup> [See *supra*, pp. 45-47.]

<sup>2</sup> [*Supra*, p. 38.]

<sup>3</sup> [*Supra*, p. 48.]

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pania; the Romans, following close at the heels of the enemy, crossed the Matese and encamped in the winter of 340 before Bovianum, the capital of Samnium. Nola was thus abandoned by its allies; and the Romans had the sagacity to detach the town for ever from the Samnite party by a very favourable convention, similar to that concluded with Neapolis (341). Fregellae, which after the catastrophe of Caudium had fallen into the hands of the party adverse to Rome and had been their chief stronghold in the district on the Liris, finally fell in the eighth year after its occupation by the Samnites (341); two hundred of the citizens, the chiefs of the national party, were conveyed to Rome, and there openly beheaded in the Forum as an example and a warning to the patriots who were everywhere bestirring themselves.

Apulia and Campania were thus in the hands of the Romans. In order finally to secure and permanently to command the conquered territory, several new fortresses were founded in it during the years 340-342: Luceria in Apulia, to which on account of its isolated and exposed situation half a legion was sent as a permanent garrison; Pontiae (the Ponza islands) for the securing of the Campanian waters; Saticula on the Campano-Samnite frontier, as a bulwark against Samnium; and lastly Interamna (near Monte Cassino) and Suessa Aurunca (Sessa) on the road from Rome to Capua. Garrisons moreover were sent to Calatia, Sora, and other stations of military importance. The great military road from Rome to Capua, which with the necessary embankment for it across the Pomptine marshes the censor Appius Claudius caused to be constructed in 342, completed the securing of Campania. The designs of the Romans were more and more fully developed; their object was the subjugation of Italy, which was enveloped more closely from year to year in a network of Roman fortresses and roads. The Samnites were already on both sides surrounded by the Roman meshes; already the line from Rome to Luceria severed north and south Italy from each other, as the fortresses of Cora and Norba had formerly severed the Volsci and Aequi; and Rome now rested on the Arpani, as it formerly rested on the Hernici. The Italians could not but see that the freedom of all of them was gone if Samnium succumbed, and that it was high time at length to hasten with all their might to the support of the brave mountain people which had now for fifteen years singly sustained the unequal struggle with the Romans.

The most natural allies of the Samnites would have been the

word *Samanta*, and yet claim to retain the *Sri Samanta Deva*—which comes down to us, in numismatic sequence, in the place of honour on so many mint issues—as an independent name or title, to which some special prestige attached, rather than to look upon it as an ordinary prefix to the designation of each potentate on whose money it appears. And such a decision, in parallel apposition to the succession of the titles of *Sri Hamira* and *Khalifa*, just noticed, would seem to be strikingly confirmed by the replacement of this same legend of *Sri Samanta Deva* on the local coins of Cháhad Deva, by the style and title of the Moslem suzerain, to whom that rája had eventually to concede allegiance.

The two classes of coins to which I allude may, for the moment, be exemplified, the one in the type given in 'Ariana Antiqua,' xix. 16; the other in pl. xxvi. fig. 31, Vol. i. (*Prinsep*).

The former, when corrected up and amplified from more perfect specimens, will be found to bear the legends: Obv. असावरी श्री समन्त देव. Rev. श्री चाहड देव—while the latter will be seen to display an obverse epigraph of असावरी श्री समसोरज देव, with a reverse similar to the last.

I understand this obverse legend to convey, in imperfect orthography, the name of Shamsu-d dín Altamsh—whose other coins, of but little varied type, have a similarly outlined name, with the Moslem *Sri Hamirah* on the reverse.

## NOTE C.

### *The Historians of the Ghaznavides.*

The contents of this volume relate more especially to the history of the Ghaznavides. It therefore seems expedient to take a general review of the authors who have particularly treated of that dynasty.

First in order comes 'Utbi, who has already been sufficiently noticed. It may be remarked generally that he is deficient in dates, and, though the chief and earliest authority on all which relates to the early invasions of India, he evidently had no personal knowledge of that country, a circumstance which of course greatly detracts

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at least troublesome—feud in which Roman policy had contrived to involve them with the Lucanians. But these obstacles might be surmounted by an energetic will; and both the contending parties construed the summons of the Tarentine envoys that they should desist from the strife as meant in earnest. The Samnites, as the weaker, showed themselves ready to comply with it; the Romans replied by hoisting the signal for battle. Reason and honour dictated to the Tarentines the propriety of now following up the haughty injunction of their envoys by a declaration of war against Rome; but in Tarentum neither reason nor honour characterised the government, and they had simply been trifling in a very childish fashion with very serious matters. No declaration of war against Rome took place; in its stead they preferred to support the oligarchical party in the Sicilian towns against Agathocles of Syracuse who had at a former period been in the Tarentine service and had been dismissed in disgrace, and following the example of Sparta, they sent a fleet to the island—a fleet which would have rendered better service in the Campanian seas (444).

The peoples of northern and central Italy, who seem to have been roused especially by the establishment of the fortress of Luceria, acted with more energy. The Etruscans first drew the sword (444), the armistice of 444 having already expired some years before. The Roman frontier-fortress of Sutrium had to sustain a two years' siege, and in the hot conflicts which took place under its walls the Romans as a rule were worsted, till the consul of the year 444 Quintus Fabius Rullianus, a leader who had gained experience in the Samnite wars, not only restored the ascendancy of the Roman arms in Roman Etruria, but boldly penetrated into the land of the Etruscans proper, which had hitherto, from diversity of language and scanty means of communication, remained almost unknown to the Romans. His march through the Ciminian forest which no Roman army had yet traversed, and his pillaging of a rich region that had long been spared the horrors of war, raised all Etruria in arms. The Roman government, which had seriously disapproved the rash expedition and had when too late forbidden the daring leader from crossing the frontier, collected in the greatest haste new legions, in order to meet the expected onslaught of the whole Etruscan power. But a seasonable and decisive victory of Rullianus, the battle at the Vadimonian lake which long lived in the memory of the people, converted an imprudent enterprise into a celebrated feat of heroism and broke the resist-

Mustaufi—although he mentions the *Makámát* of Abú Nasr Miská'ti, and the *Mujalladát* of Abú-l Fazl Baihaki, he does not appear to have read them: at least he gives no information derived from them, and altogether his account of Mahmúd's reign is very meagre. He mentions the names of the towns taken by him, omitting, however, all notice of Somnát, and without stating the dates of their capture. He is so often quoted by Mírkhond, Khondamír, and Firishta, that he has had more credit than he deserves in this portion of his universal history.

After a long interval of about a century, we have Mírkhond, who in his *Rauzat-u-s Safá* has given us the first detailed account of the history of the Ghaznivides. It is founded in the early portion upon the *Yamíní*, but in later reigns rests upon some other authorities which are not quoted. Those which are mentioned, as the *Násirí* and *Guzída*, are too meagre to have furnished the fuller information found in the *Rauzat-u-s Safá*. This portion has been translated by F. Wilken into Latin, and published with the original text at Berlin in 1832, under the title of *Historia Gasnevidarum*. He has added in footnotes passages from Firishta and Haidar Rází, where the details are more complete than in the *Rauzat-u-s Safá*. Haidar Rází, however, is no original authority. I have found all the passages, except two, quoted by Wilken to be word for word the same as the *Tárikh-i Alfí*, even where other authorities are quoted, as Ibn Asír, Ibn Kasfr, and Háfiz Abrú. The chief omission to be noted in Mírkhond's account is that of the expeditions to India intervening between those of Kanauj and Somnát, and the attack upon the Játs of Júd after Mahmúd's return from Somnát.

Mírkhond is followed by his nephew Khondamír in the *Khulásatu-l Akhbár* and the *Habibu-s Siyar*. The former has been translated by Price with additions from Firishta, and from the latter a translation will be found in a later volume of this work. He follows the *Rauzata-s Safá* closely, and has no new authorities, omitting some passages, but dealing more copiously with the biographies of cotemporary poets and ministers. Altogether, Mírkhond's narrative is preferable, and in this, as well as in many other portions of his history Khondamír might have saved himself the trouble of attempting to rival his uncle.

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the enfeebled Samnites were unable to prevent; and this sufficed to disperse the Umbrian levies. The war once more returned to central Italy. The Paeligni were conquered, as were also the Marsi; and, though the other Sabellian tribes remained nominally foes of Rome, in this quarter Samnium gradually came to stand practically alone. But unexpected assistance came to them from the district of the Tiber. The confederacy of the Hernici, called by the Romans to account for their countrymen discovered among the Samnite captives, now declared war against Rome (in 442)—more doubtless from despair than from calculation. Some of the more considerable of the Hernican communities from the first kept aloof from hostilities; but Anagnia, by far the most eminent of the Hernican cities, carried out this declaration of war. In a military point of view the position of the Romans was undoubtedly rendered for the moment highly critical by this unexpected rising in the rear of the army occupied with the siege of the strongholds of Samnium. Once more the fortune of war favoured the Samnites; Sora and Calatia fell into their hands. But the Anagnines succumbed with unexpected rapidity before troops despatched from Rome, and these troops also gave seasonable relief to the army stationed in Samnium: all was once more lost. The Samnites sued for peace, but in vain; they could not yet come to terms. The final decision was reserved for the campaign of 438. Two Roman consular armies penetrated—the one, under Tiberius Minucius and after his fall under Marcus Fulvius, from Campania through the mountain passes, the other, under Lucius Postumius, from the Adriatic upwards by Biferno—into Samnium, there to unite in front of Bovianum the capital; a decisive victory was achieved, the Samnite general Statius Gellius was taken prisoner, and Bovianum was carried by storm. The fall of the chief stronghold of the land terminated the twenty-two years' war. The Samnites withdrew their garrisons from Sora and Arpinum, and sent envoys to Rome to sue for peace; the Sabellian tribes, the Marsi, Marrucini, Paeligni, Frentani, Vestini, and Picentes followed their example. The terms granted by Rome were tolerable; cessions of territory were required from some of them, from the Paeligni for instance, but they do not seem to have been of much importance. The equal alliance was renewed between the Sabellian tribes and the Romans (438).

Probably about the same time, and in consequence doubtless of the Samnite peace, peace was also made between Rome

The *Khulasatu-t Tawarikh* discusses this history in a peculiar fashion of its own. It omits all notice of transactions on the frontiers of Persia and Turkestan, and confines itself solely to India, insomuch that it leaves out whole reigns in which the sovereign had no connection with India and, in consequence, preposterously confines the whole number of reigns to seven only. There is no other novelty in this chapter, except that it substitutes two new readings of places, which if they are derived from the history of Mahmud by 'Unsurî, which is quoted in the preface, may be considered authentic.

These are all the authorities which it seems necessary to notice, as all the subsequent ones follow in the wake of Firishta. Abu l Fida, Ibn Shuhna, Ibn Asir, Ibn Kasir, Nikbî, and Larî, have had all that is valuable in them extracted by the diligence of European authors, who have translated, abridged, or commented on the reigns of the Ghaznvides. The Turkish histories of the period, such as the *Nahbatu t Tawarikh*, and the work of Munyym Bashî, we may fairly presume to have been exhausted by the industry of Hammer Purgstall amongst the fourteen different histories which he quotes as authorities upon Mahmud's reign—so that the only hope now left us for ascertaining any new fact with respect to the history of the Ghaznvides is in the recovery of the missing volumes of Memoirs, which we know to have been written by contemporary writers, and to have been in existence less than two centuries ago—such as those of Abu l Fazi Baihaki, Abu Nasr Mishkani and Mulla Muhammad Ghaznawi. The Makamat of Abu Nasr Mishkat<sup>1</sup> (*Mishkani*) is mentioned by Firishta (Briggs I 32 and 97), and the same author is referred to in Wilken (*Gasnevidarum*, p 189). Firishta quotes from him the anecdote about Mas'ud, which has been given from the *Tabakat t Nasiri* (*supra*, p 271) and which is there also attributed to Abu Nasr Mishkan. The *Tarih t Mulla Muhammad Ghaznawi* is mentioned by 'Abdu r Rahman, who wrote the *Mir'atu l Asrar* and *Mir'at t Mas'udi* in Jahangir's time. The author was contemporary with Sultan Mahmud of whom his work is said to give an ample account.

<sup>1</sup> [In Briggs translation, the name is written "Mukutty"]

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their allies in central Italy, the Tarentines and their Italian allies, the Lucanians and Sallentines, had now no course left but to solicit an accommodation with Rome, which appears to have been granted on moderate terms. Soon afterwards ( $\frac{461}{363}$ ) even an incursion of Cleonymus, who had landed in the Sallentine territory and laid siege to Uria, was repulsed by the inhabitants with Roman aid.

The victory of Rome was complete, and she turned it to full account. It was not from magnanimity in the conquerors—for the Romans knew nothing of the sort—but from wise and far seeing calculation that terms so moderate were granted to the Samnites, the Tarentines, and the more distant peoples generally. The first and main object was not so much to compel southern Italy at once formally to recognise the Roman supremacy as to supplement and complete the subjugation of central Italy, for which the way had been prepared by the military roads and fortresses already established in Campania and Apulia during the last war, and by that means to separate the northern and southern Italians into two masses cut off in a military point of view from direct contact with each other. To this object accordingly the next undertakings of the Romans were with consistent energy directed. Above all they embraced the welcome opportunity of dissolving the Hernican league, and thereby annihilating the last remnant of the old confederacies that competed with the isolated Roman power in the district of the Tiber. The fate of Anagnia and the other small Hernican communities which had taken part in the last stage of the Samnite war was, as might be expected, far harder than that which had under similar circumstances been meted out to the Latin communities in the previous generation. They all lost their autonomy and had to rest content with the citizenship without suffrage of Rome, out of a portion of their territory on the upper Trerus (Sacco), moreover, a new tribe was instituted, and another was formed at the same time on the lower Anio ( $\frac{456}{395}$ ). The only regret was that the three Hernican communities next in importance to Anagnia, Aletrium, Verulae, and Ferentinum, had not also revolted, for, as they courteously declined the suggestion that they should voluntarily enter into the bond of Roman citizenship, and there existed no pretext for compelling them to do so, the Romans were obliged not only to respect their autonomy, but also to allow to them even the right of assembly and of intermarriage, and in this way still to leave a shadow of the old Hernican confederacy. No such

to India to be twelve. The first authority for this number is Nizāmu d dīn Ahmad in the *Tabakāt-i-Albārī* and as Dow has also numbered them as twelve, most English authors following him as the standard, have entertained the same persuasion. But it is curious to observe that, while Nizāmu d dīn mentions that there were altogether twelve, in recording them *seriatim*, he enumerates no less than sixteen, and Dow, while he marginally notes twelve, records no less than fifteen different invasions. Even Liphinstone, though he notes twelve, records more. The *Akhūdsatū t Tawdrīkh* gives twelve, and confines itself to that number, or in reality only to eleven, as by some mistake an expedition to Kashmir and Kālmījar are placed in one year, and the tenth expedition is omitted. The *Albār-i-Muhabbat* follows it in both errors. I will not attempt to maintain this established number of expeditions, but will consider them in the actual order of their occurrence.

✓ *First Expedition*—*Frontier Towns* A H 390 (1000 A D)—Nizāmu d dīn Ahmad and Firishta mention that about the year 390 H Mahmud marched in the direction of India, and, after taking many forts and provinces, and establishing his own governors in them, he returned to Ghazni. This rests solely on the authority of these two authors, and is not supported by the *Tūrīkh-i-Yamīnī*, but there is no improbability in the statement.

It was to have been expected that Mahmud, after establishing himself on the throne of Ghazni, would have embraced the first opportunity of invading India, for, while yet a prince, he had seen how easily the hardy warriors of Zabulistan had overcome the more effeminate sons of India. His father Subuktigin is described in the *Yamīnī* as making several attacks upon the country of Hind, independent of the three which are more specifically mentioned, the scene of which was Kusdar and Lamghan. Even during the fifteen years of Alptigin's reign Subuktigin is represented by Firishta in an untranslated passage to have made frequent attacks upon India, and even to have penetrated as far as Sodra on the Chináb, where he demolished idols in celebration of Mahmud's birth, which, as it occurred on the date of the prophet's birth, Subuktigin was anxious that it should be illustrated by an event similar to the destruction of the idols in the palace of the Persian king

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CHAP. VI.

Struggle of the Italians

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The high-spirited Samnite nation perceived that such a peace was more ruinous than the most destructive war; and, what was more, it acted accordingly. The Celts in northern Italy were just beginning to bestir themselves again after a long suspension of warfare; moreover several Etruscan communities there were still in arms against the Romans, and brief armistices alternated in that quarter with furious but indecisive conflicts. All central Italy was still in ferment and partly in open insurrection; the fortresses were still only in course of construction; the way between Etruria and Samnium was not yet completely closed. Perhaps it was not yet too late to save freedom; but, if so, there must be no delay; the difficulty of attack increased, the power of the assailants diminished with every year by which the peace was prolonged. Five years had scarce elapsed since the contest ended, and all the wounds must still have been bleeding which the twenty-two years' war had inflicted on the rural communes of Samnium, when in the year  $456\frac{1}{2}$  the Samnite confederacy renewed the struggle. The last war had been decided in favour of Rome mainly through the alliance of Lucania with the Romans and the consequent standing aloof of Tarentum. The Samnites, profiting by that lesson, now threw themselves in the first instance with all their might on the Lucanians, and succeeded in bringing their party in that quarter to the helm of affairs, and in concluding an alliance between Samnium and Lucania. Of course the Romans immediately declared war; the Samnites had expected no other issue. It is a significant indication of the state of feeling, that the Samnite government informed the Roman envoys that it was not able to guarantee their inviolability, if they should set foot on Samnite ground.

The war thus began anew ( $456\frac{1}{2}$ ), and while a second army was fighting in Etruria, the main Roman army traversed Samnium and compelled the Lucanians to make peace and send hostages to Rome. The following year both consuls were able to proceed to Samnium; Rullianus conquered at Tifernum, his faithful comrade in arms, Publius Decius Mus, at Maleventum, and for five months two Roman armies encamped in the land of the enemy. They were enabled to do so, because the Tuscan states had on their own behalf entered into negotiations for peace with Rome. The Samnites, who from the beginning could not but see that their only chance of victory lay in the combination of Cassian appears in the Roman consular Fasti between Spurius Cassius, consul in  $362\frac{1}{2}$ ,  $361\frac{1}{4}$ , and  $360\frac{1}{8}$ —who of course is out of the question—and Gaius Cassius Longinus, consul in  $359\frac{1}{4}$ .

There was a stone, celebrated amongst the Turkish nations, which had the peculiar property of causing rain, and hail, and snow, and excessive cold, and violent tempests, if the possessor, after repeating the name of God, and breathing upon it, threw it into the water. This stone is called the "Yedeh," or "Jedeh." The first stone of the kind was said to have been given to Japhet by Noah, to whom the secret was disclosed by Gabriel. The stone came into the possession of Turk, the eldest son of Japhet, and in an action which was fought between him and his nephew, for the possession of the stone, the latter was killed, and, as he was the father of the Turkomans, this stone is said to be the cause of the unceasing enmity between that tribe and the Turks. Subsequently, the art of using this stone was more generally disseminated, and occasioned magicians to be generally called "yedehchis," and we have frequent mention of its use in Mongol history for purposes similar to those for which we suppose it to have been applied on the present occasion. As early as the year 2634 before our era, we find the following statement in a quotation by M. Klaproth, to prove the antiquity of the compass among the Chinese: "Tchi yeou raised a thick fog, in order that by means of the darkness he might spread confusion in the enemy's army. But Huan-yuan constructed a chariot for indicating the south, in order to distinguish the four cardinal points."<sup>1</sup>

In an action between the Mongols and Chinese, with respect to the latter, Rashidu d dîn says: "In consequence of the arts of the magician, the Chinese felt, in the middle of summer, a temperature which they had never experienced, even in winter, and were paralysed." Bergman says that the stone used at present among the nomadic nations is the Bezoar. Marco Polo, also, speaking of a country not far from the confines of India, says:—"When the Carannas wish to overrun the country and rob it, they, by their enchantment and diabolical agency, cause the day to become dark, so that you can see to little or no distance." In the mountains between Kashmir and Tibet, there is a lake, into which, if animal flesh is thrown, we are informed by Abu l Fazl, that a storm of snow or rain will arise. There is said to be a similar one at Damaghan, in

<sup>1</sup> *Lettre à M. A. Humboldt sur l'invention de la Boussole* Paris, 1836, and Mr Davies, in the *British Annual* for 1837.

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years' war, had concluded peace in the previous year (456) with the Roman consul Manius Curius Dentatus, and had in form renewed its league with Rome. On this occasion, as in the peace of 484, no disgraceful or destructive conditions were imposed on the brave people by the Romans; no cessions even of territory seem to have taken place. The political sagacity of Rome preferred to follow the path which it had hitherto pursued, and to attach in the first place the Campanian and Adriatic coast more and more securely to Rome before proceeding to the direct conquest of the interior. Campania, indeed, had been long in subjection; but the far-seeing policy of Rome found it needful, in order to secure the Campanian coast, to establish two coast-fortresses there, Minturnæ and Sinuessa (452), the new burgesses of which were admitted according to the settled rule in the case of maritime colonies to the full citizenship of Rome. With still greater energy the extension of the Roman rule was prosecuted in central Italy. There the whole of the Sabines after a brief and feeble resistance were forced to become subjects of Rome (441), and the strong fortress of Hatria was established in the Abruzzi, not far from the coast (438). But the most important colony of all was that of Venusia (421), whither the unprecedented number of 20,000 colonists was conducted. That city, founded at the boundary of Samnium, Apulia, and Lucania, on the great road between Tarentum and Samnium, in an uncommonly strong position, was destined as a curb to keep in check the surrounding tribes, and above all to interrupt the communications between the two most powerful enemies of Rome in southern Italy. Beyond doubt at the same time the southern highway, which Appius Claudius had carried to Capua, was prolonged thence to Venusia. Thus the compact Roman domain at the close of the Samnite wars extended on the north to the Ciminian forest, on the east to the Abruzzi, on the south to Capua, while the two advanced posts, Luceria and Venusia, established towards the east and south on the lines of communication of their opponents, isolated them on every side. Rome was no longer merely the first, but was already the ruling power in the peninsula, when towards the end of the fifth century of the city those nations, which had been raised to supremacy in their respective lands by the favour of the gods and by their own capacity, began to come into contact in council and on the battle-field; and, as at Olympia the preliminary victors girt themselves for a second and more serious struggle, so on the larger arena of the nations, Carthage, Macedonia, and Rome now prepared for the final and decisive contest.

Khuram, crossed the Indus near Isakhel and the old town of Rohi, and so, passing the Sind Sagar Doab through Mitta Tiwana, reached Bhera by way of Khushab and Shahpur

A subsequent campaign also indicates the position of Bhera as will be noticed more particularly hereafter. Meanwhile it is to be observed that Mahmud annexed Bhera to his dominions, which, had it been any place trans Sutlej, would have been out of the question

✓ *Fourth Expedition — Multan* A. H. 396 — [Ibn Asir and] the *Habib* & *Siyar* place the expedition to Bhatia and Multan in the same year, but it is quite evident from the *Yamini* that special preparations were made for this new campaign. Dr Bird considers that Frishta has misplaced this campaign, and that it should be deferred till after the defeat of Ilak Khan. I see no reason whatever to doubt that it is correctly ascribed to the year 396 H, and that it has nothing whatever to do with the invasion which took place after Ilak Khan's defeat

We find the governor or ruler of Multan with a Muhammadan name, 'Abi l Futuh, or "Abu l Fath," and he is not an infidel but a heretic, one "who introduced his neologies into religion." There can be little doubt, therefore, that he was a follower of the Karmatian heresy, which we know, from Al Biruni, to have prevailed extensively at Multan, and for a long period previous to this invasion. "He says "When the Karmatians became masters of Multan, their chief broke the idol in pieces, and massacred its ministers, and the temple, which was built of brick, and situated on an elevated spot, became the grand mosque in place of the old one, which was closed on account of the hatred borne against the Ummayyide Khalifas, under whose rule it was constructed. Sultan Mahmud, after subduing the Karmatians, reopened the old mosque, so that the old one was abandoned, and now it is as a plain, destined to vulgar uses."

The authors which treat of this period do not,—except in a few instances, as the *Tabakat i Akbari*, and the *Khulasatu t Tawarikh*—expressly say that Multan was held by Karmatians but by "Mulahida," a more generic term, which, though it might include Karmatians, was more generally, at a subsequent period, used to designate

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his designs to convert the nominal sovereignty of the Persian king over the Tyrian colony into a real one the apprehensions of the Carthaginians are shown by the Phœnician spy in the retinue of Alexander. Whether, however, these ideas were dreams or actual projects, the king died without having interfered in the affairs of the west, and his ideas were buried with him. For a few brief years a Greek ruler had held in his hand the whole intellectual vigour of the Hellenic race combined with the whole material resources of the east. On his death the work to which his life had been devoted—the establishment of Hellenism in the east—was by no means undone, but his empire had barely been united when it was again dismembered, and, amidst the constant quarrels of the different states that were formed out of its ruins, the object of world wide interest which they were destined to promote—the diffusion of Greek culture in the east—though not abandoned, was prosecuted on a feeble and stunted scale. Under such circumstances, neither the Greek nor the Asiatico Egyptian states could think of acquiring a footing in the west or of turning their efforts against the Romans or the Carthaginians. The eastern and western state systems subsisted side by side for a time without crossing, politically, each other's path, and Rome in particular remained substantially aloof from the quarrels of Alexander's successors. The only relations established with them were of a mercantile kind, as in the instance of the free state of Rhodes, the leading representative of the policy of commercial neutrality in Greece and in consequence the universal medium of intercourse in an age of perpetual wars, which about  $\frac{448}{306}$  concluded a treaty with Rome—a commercial convention of course, such as was natural between a mercantile people and the masters of the Caerite and Campanian coasts. Even in the supply of mercenaries from Hellas, the universal recruiting field of those times, to Italy, and to Tarentum in particular, political relations—such as subsisted, for instance, between Tarentum and Sparta its mother city—exercised but a very subordinate influence. In general the raising of mercenaries was simply a matter of traffic, and Sparta, although it regularly supplied the Tarentines with captains for their Italian wars, was by that course as little involved in hostilities with the Italians, as in the North American war of independence the German states were involved in hostilities with the Union, to whose opponents they sold the services of their subjects.

Pyrrhus, king of Epirus, was himself simply a military adventurer. He was none the less a soldier of fortune that he

Indus, beyond the borders of his territory, and by a route which would lead him more directly towards his object

'Unsuri informs us that Mahmud took two hundred forts on his way to Multan

✓ *Fifth Expedition* <sup>1</sup>—*Defeat of Nawāsa Shah*, A II 398—When Mahmud was called away from Multan by Ilak Khan's invasion of his territory, he left his Indian possessions in charge of Sewakpal, or "Sukhpal, a son of one of the Rajas of India,"<sup>2</sup> and who, having been formerly made a prisoner in Peshawar by Abu 'Alī Sanjari, had become a convert to Islam. Sukhpal was taken prisoner by Mahmud's advance cavalry, and was compelled to pay the sum of 400,000 dirhams, and being made over, as Firishta informs us, to Tigin the Treasurer, was kept in confinement during the rest of his life<sup>3</sup>

Dr Bird says that there was no such expedition as this, and that Firishta has confounded it with the previous expedition to Multan, but as it is mentioned by 'Utbi, Mirkhond, and Khondamir, as well as by Firishta, there is no reason whatever to discredit it.

Dr Bird adduces, as an additional proof of confusion that the name Nawasa, "a grandson," belonged to Abu l Fath Daud, because he was a grandson of Sheikh Hamid Lodi, but there is no ground for saying that Daud was so called, as the name might have belonged just as well to the grandson of Jaipāl, as of Sheikh Hamid. He apostatised to idolatry, after being converted, whereas Daud could only have apostatised to the Karmatian heresy, and not to idolatry and plural worship. The designation of Nawasa is considered doubtful. His name was Sewakpal or Sukhpal, Ritter says Samukkel. Dow reads 'Shoekpal, who, on conversion to Islam,

<sup>1</sup> [Under the year 397 H Ibn Asir gives the following brief account of this expedition — 'When Yamsau d daula had finished (his differences) with the Turks he went on a campaign to India. The cause of this was that one of the sons of the sovereign of India named Nawāsa Shah had become a Musulmān under the hands of Mahmūd, and had then been appointed ruler over part of Mahmūd's conquests in that country. After Mahmūd had retired he apostatized from Islām and assisted the infidels and rebels. When Mahmūd approached the Hindu fled before him so he again occupied the country, brought it once more under the rule of Islām, appointed one of his officers over it, and then returned to Ghazni. ]

<sup>2</sup> [These are the words of Firishta according to the lithographed edition of the text.]

<sup>3</sup> Haidar Rāzi says that Mahmūd came to Naubār, in pursuit of the rebel, who fled to the remote parts of Hind, on learning his approach.

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resources of their antagonists—in all points the plan of the Macedonian appears as a feasible, that of the Epirot as an impracticable, enterprise; the former as the completion of a great historical task, the latter as a remarkable blunder; the former as the foundation of a new system of states and of a new phase of civilisation, the latter as a mere episode in history. The work of Alexander outlived him, although its creator met an untimely death; Pyrrhus witnessed with his own eyes the wreck of all his plans, ere death called him away. Both had natures great and enterprising, but Pyrrhus was only the foremost general, Alexander was eminently the most gifted statesman, of his time; and, if it is insight into what is and what is not possible that distinguishes the hero from the adventurer, Pyrrhus must be numbered among the latter class, and may as little be placed on a parallel with his greater relative as the Constable of Bourbon may be put in comparison with Louis the Eleventh.

And yet a wondrous charm attaches to the name of the Epirot—a peculiar sympathy, evoked certainly in some degree by his chivalrous and amiable character, but still more by the circumstance that he was the first Greek that met the Romans in battle. With him began those direct relations between Rome and Hellas, on which the whole subsequent development of ancient, and an essential part of modern, civilisation are based. The struggle between phalanxes and cohorts, between a mercenary army and a militia, between military monarchy and senatorial government, between individual talent and national vigour—this struggle between Rome and Hellenism was first fought out in the battles between Pyrrhus and the Roman generals; and though the defeated party often afterwards appealed anew to the arbitration of arms, every succeeding day of battle simply confirmed the decision. But while the Greeks were beaten in the battle-field as well as in the senate-hall, their superiority was none the less decided on every other field of rivalry than that of politics; and these very struggles already betokened that the victory of Rome over the Hellenes would be different from her victories over Gauls and Phoenicians, and that the charm of Aphrodite only begins to work when the lance is broken and the helmet and shield are laid aside.

King Pyrrhus was the son of Acacides, ruler of the Molossians (about Janina), who, spared as a kinsman and faithful vassal by Alexander, had been after his death drawn into the whirlpool of Macedonian family-politics, and lost in it first his kingdom and then his life ( $\frac{4+1}{13}$ ). His son, then six years of age,

other, but that the Gakkhars are the ancestors of the modern Jats, as Dr Bird asserts, is altogether a mistake, and likely to lead to serious errors

About the proceedings at Nagarkot all accounts agree, and that Nagarkot is the same as Kot Kángra can admit of no doubt, for the name of Nagarkot is still used. Its position is well described, and corresponds with present circumstances. The impassible waters which surround it are the Ban ganga and the Biyáh. The town of Bhím, which is about a mile from the fort, is now on the spot called Bhawan, which means a temple raised to a Saktí, or female deity, and Bhím is probably a mistake arising from its presumed foundation by the heroic Bhím. M. Renaud considers that it was called Bhím nagar from Sri Bhíma deva, of the Kabul dynasty. The different forms which the name assumes in different authors are shown at p 34. Elphinstone is mistaken in saying that Nagarkot derived peculiar sanctity from a natural flame which issued from the ground within its precincts. This flame is at Jwala mukhí, fifteen miles distant, where carburetted hydrogen issues from the sandstone rocks, and fills the superstitious pilgrim with awe and veneration. These jets of gas are made to burn with increased vigour by the removal of plugs, whenever a distinguished visitor is likely to pay well for this recognition of his superior sanctity.

Dr Bird, who has given a most critical examination of these invasions, says that the capture of Nagarkot and the previous action beyond the Indus occurred in two different years. He observes "If we might trust Firshita, Mahmud at this time (after the battle of Peshawar) marching into the mountains captured the celebrated fortress of Nagarkot. It was not, however, till the following year, A H 100, according to the *Taba'at i Akbari* and *Habibu s Sijar*, that this expedition was undertaken, and as the hostile armies prior to the last battle had consumed three or four months in operations west of the Indus, it is not probable that Mahmud could have marched into India at the commencement of the rainy season. The Hijra year 399 given for the march to Peshawar, or the previous year A D commenced the 5th September, A.D., 1008, and as the spring season, when he left Ghazni, would not commence till A.D. 1009, he must have spent the summer in Kabul, and set out for Hindustan about October "

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by them to his chivalrous opponent, a kinsman of the Alexandrine house ( $\frac{4}{3}\frac{7}{87}$ ) No one was in reality worthier than Pyrrhus to wear the royal diadem of Philip and of Alexander. In an age of deep depravity, in which princely rank and baseness began to be synonymous, the personally unspotted and morally pure character of Pyrrhus shone conspicuous. For the free farmers of the hereditary Macedonian soil, who, although diminished and impoverished, were far from sharing in that decay of morals and of valour which the government of the Diadochi produced in Greece and Asia, Pyrrhus appeared exactly formed to be the fitting king—Pyrrhus, who, like Alexander, in his household and in the circle of his friends preserved a heart open to all human sympathies, and constantly avoided the bearing of an oriental sultan which was so odious to the Macedonians, and who, like Alexander, was acknowledged to be the first tactician of his time. But the singularly overstrained national feeling of the Macedonians, which preferred the most paltry Macedonian sovereign to the ablest foreigner, and the irrational insubordination of the Macedonian troops towards every non Macedonian leader, to which Lumenes the Cardian, the greatest general of the school of Alexander, had fallen a victim, put a speedy termination to the rule of the prince of Epirus. Pyrrhus, who could not exercise sovereignty over Macedonia with the consent of the Macedonians, and who was too powerless and perhaps too high spirited to force himself on the nation against its will, after reigning seven months left the country to its native misgovernment, and went home to his faithful Epirots ( $\frac{1}{3}\frac{8}{7}$ ). But the man who had worn the crown of Alexander, the brother in law of Demetrius, the son in law of Ptolemy Lagides and of Agathocles of Syracuse, the highly trained tactician who wrote memoirs and scientific treatises on the military art, could not possibly spend his life in the ordinary routine of an Epirot prince—in inspecting at a set time yearly the accounts of the royal cattle steward, in receiving from his brave Epirots their customary presents of oxen and sheep, in requiring thereafter the renewal of their oath of allegiance and repeating his own engagement to respect the laws at the altar of Zeus, and for the better confirmation of the whole carousing with them all night long. If there was no place for him on the throne of Macedonia, he could not remain in the land of his nativity at all, he was fitted for the first place, and he could not be content with the second. His views therefore turned abroad. The kings, who were quarrelling for the possession of Macedonia, although agreeing in nothing else, were ready and glad to concur

Accordingly, the Rájás of Ujjain, Gwáliár, Kálinjar, Kanauj, Dehli, and Ajmír entered into a confederacy, and, collecting their forces, advanced towards the Panjáb with a greater army than had ever taken the field against Amír Subuktigín. Anandpál himself took the command, and advanced to meet the invader. The Indians and Muhammadans arrived in sight of each other on the plain of Pesháwar, where they remained encamped forty days, neither side showing any eagerness to come to action. The troops of the idolaters daily increased in number, and aid came to them from all sides. The infidel Gakkhars also joined them in great strength, and made extraordinary exertions to resist the Musulmán. The Hindú females, on this occasion, sold their jewels, and sent the proceeds from distant parts to their husbands, so that they, being supplied with all necessaries for the march, might be in earnest in the war. Those who were poor contributed from their earnings by spinning cotton, and other labour. The Sultán perceived that on this occasion the idolaters behaved most devotedly, and that it was necessary to be very circumspect in striking the first blow. He therefore entrenched his camp, that the infidels might not be able to penetrate therein.

Mahmúd, having thus secured himself, ordered six thousand archers to the front to attack, and endeavour to draw the enemy near to his entrenchments, where the Musulmán were prepared to receive them. In spite of the Sultán's precautions, during the heat of the battle, 30,000 infidel Gakkhars, with their heads and feet bare, and armed with spears and other weapons, penetrated on two sides into the Muhammadan lines, and forcing their way into the midst of the cavalry, they cut down men and horse with their swords, daggers, and spears, so that, in a few minutes, they slaughtered three or four thousand Muhammadans. They carried their success so far that the Sultán, observing the fury of these Gakkhar footmen, withdrew himself from the thick of the fight, that he might stop the battle for that day. But it so happened that the elephant upon which Anandpál rode, becoming unruly from the effects of the naphthalballs and the flights of arrows, turned and fled. The Hindús, deeming this to be the signal for flight on the part of their general, all gave way, and fled. 'Abdu-llah Táí, with five or six thousand Arab horse, and Arslán Jázib, with 10,000 Turks, Afgháns,

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himself fell with 13,000 of his men ( $\frac{470}{384}$ ). The Senones were reckoned allies of Rome; the Romans accordingly sent envoys to them to complain of their furnishing soldiers to serve against Rome, and to require the surrender of their captives without ransom. But by the command of their chieftain Britomaris, who had to take vengeance on the Romans for the death of his father, the Senones slew the Roman envoys and openly took the Etruscan side. All the north of Italy, Etruscans, Umbrians, Gauls, were thus in arms against Rome; great results might be achieved, if its southern provinces also would embrace the opportunity and declare, so far as they had not already done so, against Rome. In fact the Samnites, ever ready to make a stand on behalf of liberty, appear to have declared war against the Romans; but weakened and hemmed in on all sides as they were, they could be of little service to the league; and Tarentum manifested its wonted delay. While her antagonists were negotiating alliances, settling treaties as to subsidies, and collecting mercenaries, Rome was acting. The Senones were first made to feel how dangerous it was to gain a victory over the Romans. The consul Publius Cornelius Dolabella advanced with a strong army into their territory; all that were not put to the sword were driven forth from the land, and this tribe was erased from the list of the Italian nations ( $\frac{471}{383}$ ). In the case of a people subsisting chiefly on its flocks and herds such an expulsion *en masse* was quite practicable; and the Senones thus expelled from Italy probably helped to compose the Gallic hosts which soon after inundated the countries of the Danube, Macedonia, Greece, and Asia Minor. The next neighbours and kinsmen of the Senones, the Boii, terrified and exasperated by a catastrophe which had been accomplished with so fearful a rapidity, united instantaneously with the Etruscans, who still continued the war, and whose Senonian mercenaries now fought against the Romans no longer as hirelings, but as desperate avengers of their native land. A powerful Etrusco-Gallic army marched against Rome to retaliate the annihilation of the Senonian tribe on the enemy's capital, and to extirpate Rome from the face of the earth more completely than had been formerly done by the chieftain of these same Senones. But the combined army was decidedly defeated by the Romans at its passage of the Tiber in the neighbourhood of the lake of Vadimo ( $\frac{471}{383}$ ). After they had once more in the following year risked a general engagement near Populonia with no better success, the Boii deserted their confederates and concluded a peace on their

Káfiristán gives colour to the mention of the "chief of the infidels" What militates greatly against this supposition is, that elephants formed part of the booty, and there are many other considerations also which compel us to look out for Nárain elsewhere

Under all the circumstances mentioned, I am disposed to look upon Nárain as meant for Anhalwara, the capital of Gujarat, which Abú Ríshán tells us was called Nárana or Nárain in his time It is to be observed that Mahmud merely proceeded *towards*, not *to*, Nárain, and the country in the direction of Ajmír and Rajputana was open to his incursions by the previous conquests of Bhatia and Multan This was, perhaps, merely a preparative to his expedition to Somnat, and the reports he received of its wealth may, on this occasion, have sharpened his appetite for plundering that temple This expedition would have been sufficient to instil alarm into Jaipal Nárain was "in the middle of Hind," and Mahmud would have advanced towards it "over ground hard and soft," and there "the friends of God might have committed slaughter in every hill and valley" It is evident from the statements in the *Mir at Mas'udi* that the Muslims had some relations with Ajmír previous to 101 H, and it was, probably, on this particular occasion that it was visited by Mahmud The visit which that work makes him pay at a later period, just previous to the conquest of Kanauj seems highly improbable<sup>1</sup>

*Eighth Expedition — Multán* A H 401 — In the year 401, after the conquest of Ghor, Mahmud marched to Multán where he manned and imprisoned the Karmatians and other heretics, and brought Daud prisoner to Ghazni, and confined him in the fort of Ghurak for life The *Tabakat i Daudawát* says Ghor, and as Mahmud had just conquered Ghor, it is not improbable that he may have confined his prisoner there

The authorities for this expedition are the reverse of those for the last It is mentioned in the *Tabakat i Akbari* and *Firishta*, and it is not mentioned in the *Yamini*, *Rauzat u Safa* and *Habibu s Siyar* This would give reason to surmise that these two were in reality but one expedition but the circumstances of the two are so different, not

<sup>1</sup> [I have allowed this notice of the Seventh Expedition to remain as it was written by Sir H Elliot, but were he alive, he would probably change or greatly modify his opinions after a perusal of the note upon Nárana by Gen Cunningham, printed at p 393, vol 1 of this work —Ed.]

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account for those disgraceful proceedings. The treaties referred to belonged to a period long past and forgotten, it is clear that they no longer had any meaning, at least subsequently to the founding of Hatria and Sena, and that the Romans entered the bay on the faith of the existing alliance, indeed, it was very much their interest—as the further course of things showed—to afford the Tarentines no sort of pretext for declaring war. In declaring war against Rome—if such was their wish—the statesmen of Tarentum were only doing what they should have done long before, and if they preferred to rest their declaration of war upon the formal pretext of a breach of treaty rather than upon the actual ground, no objection could be taken to that course, seeing that diplomacy has always reckoned it beneath its dignity to speak the plain truth in plain language. But to make an armed attack upon the fleet without warning, instead of summoning the admiral to retrace his course, was a foolish no less than a barbarous act—one of those horrible barbarities of civilisation, when moral principle suddenly forsakes the helm and the merest coarseness emerges in its room, as if to warn us against the childish belief that civilisation is able to extirpate brutality from human nature.

And, as if what they had done had not been enough, the Tarentines after this heroic feat attacked Thurii, the Roman garrison of which capitulated in consequence of a surprise (in the winter of  $\frac{472}{383}-\frac{473}{381}$ ), and inflicted severe chastisement on the Thurines—the same, who had so often been abandoned by Tarentum itself in terms of agreement to the Lucanians, and for that very reason had been compelled to yield to Rome—for their desertion from the Hellenic party to the side of the barbarians.

The barbarians, however, acted with a moderation which, considering their power and the provocation they had received, excites astonishment. It was the interest of Rome to maintain as long as possible the Tarentine neutrality, and the leading men in the senate accordingly rejected the proposal, which a minority had with natural resentment submitted, to declare war at once against the Tarentines. In fact, the continuance of peace on the part of Rome was proffered on the most moderate terms consistent with her honour—the release of the captives, the restoration of Thurii, the surrender of the originators of the attack on the fleet. A Roman embassy proceeded with these proposals to Tarentum ( $\frac{472}{383}$ ), while at the same time, to add weight to their words, a Roman army under the consul Lucius

The action which preceded the capture of Ninduna appears to have been fought at the Margala pass, which answers well to the description given of it by 'Utbi. The subsequent operations are described more fully by Nizamu d dīn Ahmad —

"In A.H. 404, the Sultan marched his army against the fort of Ninduna, situated on the mountain of Balnath. Pur<sup>1</sup> Jaipāl left veteran troops for its protection, while he himself passed into one of the mountain valleys (*darra*) of Kashmīr. The Sultan having reached Ninduna, invested it, and by mining and other modes of attack, put the garrison under the necessity of capitulating. Sultan Mahmud with a few of his personal attendants entered it, and took all the property he found there. Having left Sarogh as governor of the fort,<sup>2</sup> he himself proceeded to the Kashmīr valley, where Pur Jaipāl had taken up his position. This chief however, did not await his arrival, but fled, and when the Sultan reached the pass he obtained great spoil and a large number of slaves. He also converted many infidels to Muhammadanism, and having spread Islam in that country, returned to Ghaznīn."—*Tūbakāt i Albārī*

It will be observed that 'Utbi calls the chief "Nidar Bhīm," and Nizamu d dīn Ahmad calls him Puru Jaipāl, but the difference is reconciled by considering Nidar Bhīm as the governor, whom Jaipāl left in the garrison, when he fled towards Kashmīr, and as we know from the *Yamīnī* that Puru Jaipāl's son was called Bhīm pāl, we may consider this governor to have been the identical Bhīm pāl, with the epithet of Nidar, "the dauntless."

The name of Ninduna cannot be restored. It is evidently the same place as is mentioned in Wassaf as being a noted town in the Jud hills, and by 'Abbas Shirwanī in his *Shir shahī*. D'Herbelot calls it "Marvin," in which he is followed by Rāmpoldi, who confounds it with the capture of Thānesar. Dow calls it Nindoona, S de Sacy, "Nazīn" and "Nazdīn." Briggs, 'Nindoona.' Mirkhond speaks of the victory, but does not name the place. Ritter places it near Muzaffarabad, because one stage to the west of it lies a place called "Dunni."

<sup>1</sup> [ 'Taru' in the MS. I have used ]

<sup>2</sup> At the beginning of Masūd's reign we still find this chief occupying the same post, according to Abū l Fazl Baihaki.

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a garrison in Tarentum. The expenses of the war were, of course, to be borne by the city. Pyrrhus, on the other hand, promised to remain no longer in Italy than was necessary; probably with the tacit reservation that his own judgment should fix the term during which he might be needed there. Nevertheless, the prey had almost slipped out of his hands. While the Tarentine envoys—the chiefs, no doubt, of the war party—were absent in Epirus, the state of feeling in the city, now hard pressed by the Romans, underwent a change. The chief command was already entrusted to Agis, a man favourable to Rome, when the return of the envoys with the concluded treaty, accompanied by Cineas the confidential minister of Pyrrhus, again brought the war party to the helm. A firmer hand now grasped the reins, and put an end to the pitiful vacillation. In the autumn of 473 Milo, the general of Pyrrhus, landed with 3000 Epirots and occupied the citadel of the town. He was followed in the beginning of the year 472 by the king himself, who landed after a stormy passage in which many lives were lost. He transported to Tarentum a respectable but miscellaneous army, *consisting partly of household troops, Molossians, Thesprotians, Chaonians, and Ambraciots; partly of the Macedonian infantry and the Thessalian cavalry, which Ptolemy king of Macedonia had conformably to stipulation handed over to him; partly of Aetolian, Acarnanian, and Athamanian mercenaries.* Altogether, it numbered 20,000 phalangitæ, 2000 archers, 500 slingers, 3000 cavalry, and 20 elephants, and thus was not much smaller than the army with which fifty years before Alexander had crossed the Hellespont.

The affairs of the coalition were in no very favourable state when the king arrived. The Roman consul indeed, as soon as he saw the soldiers of Milo taking the field against him instead of the Tarentine militia, had abandoned the attack on Tarentum and retreated to Apulia; but, with the exception of the territory of Tarentum, the Romans virtually ruled all Italy. The coalition had no army in the field anywhere in Lower Italy; and in Upper Italy the Etruscans, who alone were still in arms, had in the last campaign (473) met with nothing but defeat. The allies had, before the king embarked, committed to him the chief command of all their troops, and declared that they were able to place in the field an army of 350,000 infantry and 20,000 cavalry. The reality formed a sad contrast to these great promises. The army, whose chief command had been committed to Pyrrhus, had still to be created; and for the time

of the Muhammadan army passing through it. An embassy was accordingly sent to inform the Raja of his design against Thánesar, and desiring him to depute his officers to remain with the army, in order that the villages and towns which belonged to him might be protected from the camp followers.

"Anandpál, agreeing to this proposal, prepared an entertainment for the reception of the king, at the same time issuing orders for all his subjects to supply the camp with every necessary of life.

"The Raja's brother, with two thousand horse, was also sent to meet the army, and to deliver the following message '—'My brother is the subject and tributary of the king, but he begs permission to acquaint his majesty that the temple of Thanesar is the principal place of worship of the inhabitants of the country, that, although the religion of the king makes it an important and meritorious duty to destroy idols, still the king has already acquitted himself of this duty, in the destruction of the idols in the fort of Nagarlot. If he should be pleased to alter his resolution regarding Thánesar, and to fix a tribute to be paid by the country, Anandpál promises that the amount of it shall be annually paid to Mahmud, besides which, on his own part, he will present him with fifty elephants, and jewels to a considerable amount.'

"Mahmud replied 'The religion of the faithful inculcates the following tenet 'That in proportion as the tenets of the Prophet are diffused, and his followers exert themselves in the subversion of idolatry, so shall be their reward in heaven,' that, therefore, it be hove him, with the assistance of God, to root out the worship of idols from the face of all India. How, then, should he spare Thanesar

"This answer was communicated to the Raja of Dehlí, who, resolving to oppose the invaders, sent messengers throughout Hindústan to acquaint the other Rájas that Mahmud without provocation, was marching with a vast army to destroy Thánesar now under his immediate protection. He observed that if a barrier was not expeditiously raised against this roaring torrent, the country of Hindustan would be soon overwhelmed, and every state, small and great,

<sup>1</sup> Hammer Purgstall says that Anandpál, the Raja of *Muldan*, sent his brother *Mu'ammad* to deliver this message. The confusion of names is surprising in such an author

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Roman garrisons, that were placed in the Greek towns of Lower Italy, were intended temporarily to check the king's progress. But the mutiny of the troops stationed in Rhegium—800 Campanians, and 400 Sidicines, under a Campanian captain Decius—deprived the Romans of that important town. It was not, however, transferred to the hands of Pyrrhus. While on the one hand the national hatred of the Campanians against the Romans undoubtedly contributed to produce this military insurrection, it was impossible on the other hand that Pyrrhus, who had crossed the sea to shield and protect the Hellenes, could receive as his allies troops who had put to death their Rhegine hosts in their own houses. Thus they remained isolated, in close league with their kinsmen and comrades in crime, the Mamertines, that is the Campanian mercenaries of Agathocles, who had by similar means gained possession of Messana on the opposite side of the straits, and they pillaged and laid waste for their own behoof the adjacent Greek towns, such as Croton, where they put to death the Roman garrison, and Caulonia, which they destroyed. On the other hand the Romans succeeded, by means of a weak corps which advanced along the Lucanian frontier and of the garrison of Venusia, in preventing the Lucanians and Samnites from uniting with Pyrrhus, while the main force—four legions as it would appear, and so, with a corresponding number of allied troops, at least 50,000 strong—marched against Pyrrhus, under the consul Publius Laevinus.

With a view to cover the Tarentine colony of Heraclea, the king had taken up a position with his own and the Tarentine troops between that city and Pandosia<sup>1</sup> ( $\frac{41}{80}$ ). The Romans, covered by their cavalry, forced the passage of the Siris, and opened the battle with a fiery and successful cavalry charge, the king, who led his cavalry in person, was thrown from his horse, and the Greek horsemen, panic struck by the disappearance of their leader, abandoned the field to the squadrons of the enemy. Pyrrhus, however, put himself at the head of his infantry, and began a fresh and more decisive engagement. Seven times the legions and the phalanx met in shock of battle, and still the conflict was undecided. Then Megacles, one of the best officers of the king, fell, and, because on this hotly contested day he had worn the king's armour, the army for the second time believed that the king had fallen, the ranks wavered, Laevinus already felt sure of the victory and threw the whole of

<sup>1</sup> Near the modern Anglona not to be confounded with the better known town of the same name in the district of Cosenza.

Thánesar to be Panjshír, which is the name of a river joining that of Ghorband, and giving name to a pass which leads through Hindu Kush from Kabul to Turkistán, but here we should want both the desert and the elephants

The term "Moslem" elephants is curious The *Universal History* endeavours to explain the word thus —

"Mahmud Ibn Subuktigin now undertook another expedition into India, and reduced the kingdom of Marwin, which had a capital of the same name Here he was informed that an Indian idolatrous prince occupied a province, which produced a race of elephants, called Moslem, or faithful elephants This information excited him to attempt the conquest of that province, which having effected, he brought off with him a vast quantity of spoil, and a great number of those elephants They were termed Moslem, or faithful elephants, because they sometimes performed a sort of genuflexion and prostration not unlike those of the Moslems or Muhammedans, which induced many of the latter to believe that they were religious animals"

Dr Bird calls them "elephants of Sulaiman" S de Sacy, "Saileman" Wilken, "Moslem" With regard to their being Moslems and their adoration and genuflexions see D Herbelot, Art "Fil" The *Jám'u t Tawarikh* and D Herbelot designate them as Musulmán The reading of the *Yamini* and of Ibn Asir is 'Sailemán,'<sup>1</sup> which no doubt is related to the word Sailan and like "Sailan," signifies merely "Ceylonese elephants"

*Eleventh Expedition — Lohkot* <sup>2</sup> A H 406 — This was an attempt to penetrate into Kashmír, which was entirely unsuccessful for Mahmud advanced no further than Lohkot and then returned, There is no allusion to it in the *Yamini*,<sup>3</sup> the *Rauzat* & *Safa*, or the *Habib* & *Siyar*,

<sup>1</sup> [The name is written with *swdd*, not with *sln*, which is fatal to the supposed connection with "Moslem" ]

<sup>2</sup> [This place appears again in the "Fourteenth Expedition" of the year 413 H (page 464 : *infra*), where also the siege was unsuccessful The circumstances of the two accounts are so similar as to make it probable that they relate to the same event There is no record of the siege in the *Yamini* the inference to be drawn from which fact is that it occurred after the close of that work in 413 H ]

<sup>3</sup> There is an allusion to an attempt in Kashmír at the opening of the Kanauj Expedition, but this seems only to imply that he marched under the Lower Kashmír hills Hammer Purgstall actually represents Mahmud as plundering the capital of Kashmír

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joined the king, and Locri was even voluntarily surrendered to him by the Roman garrison, in his case they were persuaded, and with reason, that they would not be abandoned to the Italians. The Sabellians and Greeks thus passed over to Pyrrhus, but the victory produced no farther effect. The Latins showed no inclination to get quit of the Roman rule, burdensome as it might be, by the help of a foreign dynast. Venusia, although now wholly surrounded by enemies, adhered with unshaken steadfastness to Rome. Pyrrhus proposed to the prisoners taken on the Siris, whose brave demeanour the chivalrous king requited by the most honourable treatment, that they should enter his army in accordance with the Greek fashion, but he learned that he was fighting not with mercenaries, but with a nation. Not one, either Roman or Latin, took service with him.

Pyrrhus proposed peace to the Romans. He was too sagacious a soldier not to recognise the precariousness of his footing, and too skilled a statesman not to profit opportunely by the moment which placed him in the most favourable position for the conclusion of peace. He now hoped that under the first impression made by the great battle on the Romans he should be able to secure the freedom of the Greek towns in Italy, and to call into existence between them and Rome a series of states of the second and third order as dependent allies of the new Greek power, for such was the tenor of his demands: the release of all Greek towns—and therefore of the Campanian and Lucanian towns in particular—from allegiance to Rome, and restitution of the territory taken from the Samnites, Daunians, Lucinians, and Bruttians, or in other words especially the surrender of Luceria and Venusia. A further struggle with Rome might be inevitable, but it was not desirable at any rate to begin it till the western Hellenes should be united under one ruler, till Sicily should be acquired and perhaps Africa be conquered.

Provided with such instructions, the Thessalian Cineas, the confidential minister of Pyrrhus, went to Rome. That dexterous negotiator, whom his contemporaries compared to Demosthenes so far as a rhetorician might be compared to a statesman and the minister of a sovereign to a popular leader, had orders to display by every means the respect which the victor of Heraclea really felt for his vanquished opponents, to make known the wish of the king to come to Rome in person, to influence men's minds in the king's favour by panegyrics which sound so well in the mouth of an enemy, by earnest flatteries, and, as opportunity offered, also by well timed gifts—in short to try upon the

respects, it is given below. It is to be observed that all the authors, except Mirkhond, concur in representing that 109 was the year of this invasion, and most of them mention that he set out in the spring. This gives occasion to Dr Bird to observe — "As the spring season is mentioned, and as Hyra 109 commenced on the 20th May, a. d. 1018, Mahmud must have left Ghazni in the end of the preceding year, 108, which would correspond with the spring of a. d. 1018. Muhammadan historians, not attending to the fact of the seasons west of the Indus being the same as those in Europe, and forgetting the particular commencement of the Hyra years are constantly committing such blunders. Consequently he makes six or seven months to elapse before Mahmud reaches Kanauj.

Here, with all due deference be it said, Dr Bird seems to have fallen into the very error which he condemns, for it is abundantly evident that here, as has already been observed respecting the sixth expedition,<sup>1</sup> that the Indian spring after the close of the rains is meant. That spring occurs in Afghanistan much about the same time as our own in Europe is admitted. Indeed, it is observed in Afghanistan with the same kind of joyous festivities as it was in Europe, before more utilitarian notions prevailed, but in this instance, where the months are mentioned, we can be left in no manner of doubt. Starting in the spring we find from Utbi that Mahmud crossed the Jumna on the 20th of Rajab 109=December 1018, and reached Kanauj on the 8th of Sh'aban, 109=January, 1019, and as this is declared to be a three months' journey, he must have started in October, so that he might have the whole of the six months of the cold season before him. The spring therefore alluded to was evidently not in accordance with the European season.

Elphinstone has been led into the same error by following the guidance of Dr Bird, and observes — "The whole of this expedition is indistinctly related by Lirishta. He copies the Persian writers, who, adverting to the season in their own country, make Mahmud begin his march in spring. Had he done so he need not have gone so high in search of fords, but he would have reached Kanauj at the beginning of the periodical rains, and carried on all his subsequent movements in the midst of rivers during that season. It is probable

<sup>1</sup> Supra, p. 445

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had just concluded a seasonable peace with the Etruscans, brought up a second Roman army from the north and in Rome itself the reserve was preparing for battle under the dictator Gnaeus Domitius Calvinus. In these circumstances Pyrrhus could accomplish nothing, no course was left to him but to retire. For a time he still remained inactive in Campania in presence of the united armies of the two consuls, but no opportunity occurred of striking an effective blow. When winter came on the king evacuated the enemy's territory, and distributed his troops among the friendly towns, taking up his own winter quarters in Tarentum. Thereupon the Romans also desisted from their operations. The army occupied standing quarters near Firmum in Picenum where by command of the senate the legions defeated on the Siris spent the winter by way of punishment under tents.

Thus ended the campaign of 474. The separate peace which at the decisive moment Etruria had concluded with Rome and the king's unexpected retreat which entirely disappointed the sanguine hopes of the Italian confederates, counterbalanced in great measure the impression of the victory of Heraclea. The Italians complained of the burdens of the war, particularly of the bad discipline of the mercenaries quartered among them, and the king weary of the petty quarrelling and of the impolitic as well as unmilitary conduct of his allies, began to feel that the problem which had fallen to him to solve might be despite all tactical successes politically insoluble. The arrival of a Roman embassy of three consulars including Gaius Fabricius the conqueror of Thurii again revived in him for a moment the hopes of peace, but it soon appeared that they had only power to treat for the ransom or exchange of prisoners. Pyrrhus rejected their demand but at the festival of the Saturnalia he released all the prisoners on their word of honour. Their keeping of that word, and the repulse by the Roman ambassador of an attempt at bribery, were celebrated by posterity in a manner most unbecoming and betokening rather the dishonourable character of the later than the honourable feeling of that earlier epoch.

In the spring of 473 Pyrrhus resumed the offensive and advanced into Apulia whither the Roman army marched to meet him. In the hope of shaking the Roman symmarchy in these regions by a decisive victory the king offered battle a second time, and the Romans did not decline it. The two armies encountered each other near Ausculum (Ascoli di Puglia)

and founded a city called after his own name. On the 25th of Sha'bân, after capturing Sharwa or Sîrua,—which I conceive to be either Seunra on the Ken, between Kalinjâr and Banda, or Sriswa garh on the Pahonj, not far from Kunch,—he reaches the retreat of Chand Rai in the hills. These hills must be those of Bundelkhand, for there are no others which he could have reached before the close of Sha'bân, seeing he only arrived at Kanauj on the 8th. There is to be sure no mention of his crossing or recrossing the Jumna, but this is no valid objection, for neither is there any mention of his crossing the Panjab on his return to Ghazni. Of the two places mentioned above, in the plains of Bundelkhand, Sriswa garh or Sriswa garh, appears the most probable, for we know it to have been a place of considerable importance in the annals of the Bundelkhand Ryas, for about two centuries after this, the bard Chand informs us, that several chiefs were slain in defending it against Pirthî Rai of Dehli, who for the purpose of capturing it, had crossed the river Sind, which was the boundary between his dominions and those of Parmîl Chandel, the Raja of Mahoba. It is to be observed that no other author except 'Utbi mentions the name of Sharwa—later authors not being able to identify it. Mahmud's progress under the explanation now given appears to have been regular and consistent.

The *Rauzatu s Safa* observes the same order, with the omission of some of the names. First, the fort of a converted Hindu (Baran), then the fort of Kulchand (Mahaban), then the holy city not mentioned by name (Mathura), then Kanauj, then Munj, then the fort of Chandpal, and lastly, the pursuit of Chand Raja. The *Habibu s Siyar* follows this statement, omitting all occurrences after the capture of Kanauj. Nizamu d din and Firishta have reversed this order, and make Mahmud proceed direct to Kanauj, then back to Mirat or Baran, then to Mahaban, then to Mathura, then to the seven forts on the banks of a river, which the *Tarikh i Alf* adds were under the Dehli Raja, then to Munj, then to the fort of Chandpal, then in pursuit of Chandrai.

The following is extracted from Nizamu d din Ahmad. The number of troops which accompanied the Sultan is not mentioned. 'Utbi says he had 20,000 volunteers from Transoxiana. Mirkhond

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for universal flight, which, however, did not involve the sacrifice of many lives, as the adjoining camp received the fugitives. The Roman account of the battle alone mentions the circumstance, that during the principal engagement an Arpanian corps detached from the Roman main force had attacked and set on fire the weakly-guarded Epirot camp; but, even if this were correct, the Romans are not at all justified in their assertion that the battle remained undecided. Both accounts, on the contrary, agree in stating that the Roman army retreated across the river, and that Pyrrhus remained in possession of the field of battle. The number of the fallen was, according to the Greek account, 6000 on the side of the Romans, 3505 on that of the Greeks.<sup>1</sup> Amongst the wounded was the king himself, whose arm had been pierced with a javelin, while he was fighting, as was his wont, in the thickest of the fray. Pyrrhus had achieved a victory, but his were unfruitful laurels; the victory was creditable to the king as a general and as a soldier, but it did not promote his political designs. What Pyrrhus needed was a brilliant success which should break up the Roman army and give an opportunity and impulse to the wavering allies to change sides; but the Roman army and the Roman confederacy still remained unbroken, and the Greek army, which was nothing without its leader, was fettered for a considerable time in consequence of his wound. He was obliged to renounce the campaign and to go into winter quarters; which the king took up in Tarentum, the Romans on this occasion in Apulia. It was becoming daily more evident that in a military point of view the resources of the king were inferior to those of the Romans, just as, politically, the loose and refractory coalition could not stand a comparison with the firmly established Roman symmarchy. The sudden and vehement style of the Greek warfare and the genius of the general might perhaps achieve another such victory as those of Heraclea and Ausculum, but every new victory was wearing out his resources for further enterprise, and it was clear that the Romans already felt themselves the stronger, and awaited with a courageous patience final victory. Such a war as this was not the delicate game

<sup>1</sup> These numbers appear credible. The Roman account assigns, probably in dead and wounded, 15,000 to each side, a later one even specifies 5000 as dead on the Roman, and 20,000 on the Greek side. These accounts may be mentioned here for the purpose of exhibiting, in one of the few instances where it is possible to check the statement, the untrustworthiness—almost without exception—of the reports of numbers, which are swelled by the unscrupulous invention of the annalists with avalanche-like rapidity.

thousand three hundred miskals in weight, and there was also found a sapphire weighing four hundred and fifty miskals

"It is said that Chandar Râf, who was one of the Rajas of Hindustan, possessed a very powerful and famous elephant. The Sultan desired to purchase it at a very large price, but could not get it.<sup>1</sup> When the Sultân was returning from Kanauj, this elephant one night broke away from the other elephants, and went without any driver to the Sultan's camp, who took it, and being much pleased, he called it Khudadad (the gift of God)

"When he returned to Ghaznî, he had the value of the spoil counted. It was found to consist of 20,000,000 dirhams, 53,000 captives, and 350 elephants"—*Tabakât i Akbarî*

There are not fewer difficulties to contend with when we come to consider the names of the Hindu chiefs. Utbî calls the ruler of Kanauj Râf Jaipal and Puru Jaipal, meaning the same Jaipal who has already been spoken of as the Raja of Lahore. Mirkhond and Khondamîr also call him Jaipal. He is the same as the Nardajan pâf of Al Bîrunî, of which none of his commentators are able to restore the correct reading. Nizamu d din Ahmad and Firîshta call him Kora or, according to Briggs Koowur Ray. We are at a loss what grounds these later authors have for this statement. It may, perhaps, be equivalent to Puru and be meant for Kunwar, "a raja's son" a term of common use in the present day. Bud says he was called Kora from the appellation of his tribe but there is no such tribe, unless Gaur be meant which would be spelt in nearly a similar form. However this may be, we must impute as it may seem, follow the statement of Utbî, and conceive that the Raja of Lahore was at this time in possession of Kanauj. There are certain details given which favour this notion. The son of this Puru Jaipal is, according to the *Yamînî*, Bhîm pâf who writes to Chand Râf, respecting the Musulmâns, as if he had long been in communication with them. This Bhîm pâf speaks of his uncle having been forcibly converted which uncle, as we have already seen seems evidently to be the same as Nawasa Shah. We also find Puru Jaipal holding

<sup>1</sup> Previous to this Firîshta makes the Sultân attack Râja Chandpâl who evacuates his fort, and sends his treasure to the hills. He makes Chand Râf also fly to the hills.

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with a contingent on its own territory and should itself defray the expense of the auxiliary troops, that in such an event Carthage should be bound to furnish transports and to assist the Romans also with a war fleet, but the crews of that fleet should not be obliged to fight for the Romans by land, that lastly, both states should pledge themselves not to conclude a separate peace with Pyrrhus. The object of the Romans in entering into the treaty was to facilitate their attack on Tarentum and to cut off Pyrrhus from his own country, neither of which ends could be attained without the co-operation of the Punic fleet, the object of the Carthaginians was to detain the king in Italy, so that they might be able without molestation to carry into effect their designs on Syracuse<sup>1</sup>. It was accordingly the interest of both powers in the first instance to secure the sea between Italy and Sicily. A powerful Carthaginian fleet of 120 sail under the admiral Mago proceeded from Ostia, whither Mago seems to have gone to conclude the treaty, to the Sicilian straits. The Mamertines, who anticipated righteous punishment for their outrage upon the Greek population of Messana, in the event of Pyrrhus becoming ruler of Sicily and Italy, attached themselves closely to the Romans and Carthaginians, and secured for them the Sicilian side of the straits. The allies would willingly have brought Rhegium also on the opposite coast under their power, but Rome could not possibly pardon the Campanian garrison, and an attempt of the combined Romans and Carthaginians to gain the city by force of arms miscarried. The Carthaginian fleet sailed thence for Syracuse and blockaded the city by sea, while at the same time a strong Phoenician army began the siege by land ( $\frac{47}{278}$ ). It was high time that Pyrrhus should appear at Syracuse but, in fact, matters in Italy were by no means in such a condition that he and his troops could be dispensed with there. The two consuls of  $\frac{47}{278}$ , Gaius Fabricius Luscinus and Quintus Aemilius Papus, both experienced generals, had begun the new campaign with vigour, and although the Romans had hitherto sustained nothing but defeat in this war, it was not they but the victors that were weary of it and longed for peace. Pyrrhus made another attempt to obtain

<sup>1</sup> The later Romans, and the moderns following them, give a version of the league, as if the Romans had designedly avoided accepting the Carthaginian help in Italy. This would have been irrational, and the facts pronounce against it. The circumstance that Mago did not land at Ostia is to be explained not by any such foresight, but simply by the fact that Latium was not at all threatened by Pyrrhus and so did not need Carthaginian aid, and the Carthaginians certainly fought for Rome in front of Rhegium.

other side of the Ganges, and is either the Ramgangá, or the Sye—apparently the latter in the present instance

The other authors place the scene on the Jumna, and we might consider their account to refer to some other expedition, were not Puru Jaipal mentioned in both, as well as the circumstance of the surprise by eight men swimming over the river. It is also worthy of remark that Al Biruni gives the death of Pur Jaipal in 412 A H, which makes it highly probable that he was slain in this very action, though that fact is not expressly mentioned in the *Tarikh Yamini*

Dr Bird doubts this expedition altogether, because another expedition occurs against Kálinjar, and the two appear to have been in reality one. But here not even Firishta represents that Mahmud went to Kálinjar, though he was engaged with the Raja of that place. 'Utbi's statement must be received as conclusive respecting a movement as far as the Rahib, though he mentions nothing about Kálinjar or Nanda Raja. Indeed in that author we nowhere find mention of that submission to the Sultan, on account of which the Rai of Kanauj was sacrificed to the vengeance of the Hindu confederacy

That Puru Jaipal should be found on the other side of the Rahib, as 'Utbi says, or come to the aid of Nanda Raja, according to Nizamu d din and Firishta, is confirmative of the probability previously noticed, that he had then established himself far to the eastward of Lahore

The following is the statement of Nizamu d din —

“It is said that when Sultan Mahmud heard that a Raja named Nanda<sup>1</sup> had slain the Rai of Kanauj for having recognised and submitted to the Sultan he resolved to invade his territory. So in A H 410, he marched again towards Hindustan. When he reached the banks of the Jumna, Pur Jaipal,<sup>2</sup> who had so often fled before his troops and who had now come to assist Nanda encamped in face of the Sultan, but there was a deep river between them, and no one passed over without the Sultan's permission. But it so happened

<sup>1</sup> Firishta adds that many of the neighbouring princes had joined in league with Nandá, whom he calls Rájá of Kálinjar

<sup>2</sup> Firishta says the Rájá of the Panjab, the grandson of Jaipál [Sir H Elliot's MS gives the name as 'Tarú Jaibál']

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and in possessing himself to the undefended town (<sup>422</sup>) An incident of more moment was the slaughter of the Epirot garrison by the Locrians, who had formerly surrendered the Roman garrison to the king, and now atoned for one act of treachery by another By that step the whole south coast came into the hands of the Romans, with the exception of Rhegium and Tarentum These successes, however, advanced the main object but little Lower Italy itself had long been defenceless, but Pyrrhus was not subdued so long as Tarentum remained in his hands and enabled him to renew the war at his pleasure, and the Romans could not think of undertaking the siege of that city Even apart from the fact that in siege-warfare, which had been revolutionised by Philip of Macedon and Demetrius Poliorcetes, the Romans were at a very decided disadvantage when matched against an experienced and resolute Greek commandant, a strong fleet was needed for such an enterprise, and, although the Carthaginian treaty promised to the Romans support by sea, the affairs of Carthage herself in Sicily were by no means in such a condition as to enable her to grant that support

The landing of Pyrrhus on the island, which, in spite of the Carthaginian fleet, had taken place without interruption, had changed at once the aspect of matters there He had immediately relieved Syracuse, had in a short time united under his sway all the free Greek cities, and at the head of the Sicilian confederation had wrested from the Carthaginians nearly their whole possessions It was with difficulty that the Carthaginians could, by the help of their fleet which at that time ruled the Mediterranean without a rival, maintain themselves in Lilybaeum, it was with difficulty, and amidst constant assaults, that the Mamertines held their ground in Messina Under such circumstances, agreeably to the treaty of <sup>417</sup><sub>418</sub>, it would have been the duty of Rome to lend her aid to the Carthaginians in Sicily, far rather than that of Carthage to help the Romans with her fleet to conquer Tarentum, but on neither side was there much inclination to secure or to extend the power of the other Carthage had only offered help to the Romans when the real danger was past, they in their turn had done nothing to prevent the departure of the king from Italy and the fall of the Carthaginian power in Sicily Indeed, in open violation of the treaties Carthage had even proposed to the king a separate peace, offering, in return for the undisturbed possession of Lilybaeum, to give up all claim to her other Sicilian possessions and even to place at the disposal of the king money and ships of war, of course with

whether this expedition ever took place Elphinstone and Reinaud take no notice of it, and Bird says that it is a mere repetition of the previous one to Balnat, and 'the narratives evidently refer to the same places and transactions' Even if they did refer to the same places, there is no reason why the transactions should not have been different As Firishita asserts that Kuriat<sup>1</sup> and Nardem lie apparently between Turkistan and Hindustan, it is evident that he thought he was dealing with places which had not yet been mentioned His authority for assigning this position to the tract is not the *Tabakât : Albari*, in which it is merely stated that the country has mountain passes, is very cold, abounds with fruit and that its inhabitants worship lions This latter, no doubt, alludes to the worship of Sakya Sinha (lion) the Buddha But, though Firishita had little authority for his assertion, it is evident that he was correct in making it Kuriat First, we must restore the true reading of Nardem The latter, in the *Tabakat : Albari* and *Kanzul Mahpur* is correctly given as "Nur," and "Kuriat" in the same works, in the original of Firishita, is correctly given as Kírat<sup>2</sup> Now, the position of Kírat and Nur is ascertained by referring to Al Biruni's account of the Kabul river, which is thus described by him "This body of water—the Kabul river—passes through the country of Lamghan, near the fort of Diruna and is then joined by the waters of Nur and Kírat<sup>2</sup> When it reaches opposite Peshawar it forms a considerable stream," etc Here, then we must look for the waters of Nur and Kírat between the towns of Jalalabad and Peshawar and we shall find that the country alluded to is that drained by the Kuner and Landje rivers—that is, Swat, Bajaur and part of Kafiristan This tract exactly corresponds with the description given in the *Tabakat : Albari*, and plenty of Buddhist remains survive to explain the allusion to the worship of lions

<sup>1</sup> Dow reads Kiberat, Briggs, 'Kuriat' in the translation but "Kaurat in the text, Wilken, Ferath, and Kabrath The real reading being Kírat which name may be the same as that of the mountaineers of Sanskrit geography

<sup>2</sup> [In page 47, Vol. 1 my translation of the Persian version of this passage differs — uniting near the fort of Dirúna (the waters) fall into the Nurokírat and this is correct according to the Persian text, *na.d k : kala : D runa mi yamí mi shavad ua dar db : Nurokírat ma : fíad* Sir H Elliot follows Reinaud's translation of the text of Birúni which certainly seems more accurate than the Persian version See *Mémoires sur l'Inde*, 276 —Ed.]

circumstances served to show what the state of feeling was in the island, and what might and must ensue when the king should depart.

To this first and most essential error Pyrrhus added a second; he proceeded with his fleet, not to Lilybæum, but to Tarentum. It was evident, looking to the very ferment in the minds of the Sicilians, that he ought first of all to have driven the Carthaginians wholly from the island, and thereby to have cut off the discontented from their last support, before he turned his attention to Italy; in that quarter there was nothing to be lost, for Tarentum was safe enough, and the other allies were of little moment now that they had been abandoned. It is not unlikely that his soldierly spirit impelled him to wipe off the stain of his not very honourable departure in  $37\frac{1}{2}$  by a brilliant return, and that his heart bled when he heard the complaints of the Lucanians and Samnites. But problems, such as Pyrrhus had proposed to himself, can only be solved by men of iron nature who are able to control their feelings of compassion and even their sense of honour; and Pyrrhus was not one of these.

The fatal embarkation took place towards the end of  $37\frac{1}{2}$ . On the voyage the new Syracusan fleet had to sustain a sharp engagement with the Carthaginians, and lost a considerable number of vessels. The departure of the king and the accounts of this first misfortune sufficed for the fall of the Sicilian kingdom. On the arrival of the news all the cities refused to the absent king money and troops; and the brilliant state collapsed even more rapidly than it had arisen, partly because the king had himself undermined in the hearts of his subjects the loyalty and affection on which every state depends, partly because the people lacked the devotedness to renounce freedom for perhaps but a short term in order to save their nationality. Thus the enterprise of Pyrrhus was wrecked, and the plan of his life was ruined irretrievably; he was thenceforth an adventurer, who felt that he had been great and was so no longer, and who now waged war not as a means to an end, but in order to drown thought amidst the reckless excitement of the game and to find, if possible, in the tumult of battle a soldier's death. Arrived on the Italian coast, the king began by an attempt to get possession of Rhegium; but the Campanians repulsed the attack with the aid of the Mamertines, and in the heat of the conflict before the town the king himself was wounded in the act of striking down an officer of the enemy. On the other hand he surprised Locri, whose inhabitants suffered severely for their

the stronghold of Lohkot.<sup>1</sup> He stayed before it one month, but finding the fort, on account of its strength and loftiness, altogether impregnable, he decamped and proceeded towards Lahore and Bāgar. He directed his followers to plunder the hill country and immense booty was collected. The Sultan returned in the commencement of spring to Ghaznīn — *Tabakāt : Albarī*

*Fifteenth Expedition — Gwalhar and Kalinjar* A.H. 414 — This is another expedition resting only on the same authorities, and respecting which also doubts have been entertained, but there seems no reason to suppose that the restless bigotry of Mahmud did not undertake this new expedition. It does not appear that he had yet visited Kalinjar, though he had been twice in the neighbourhood. The mention of Gwalhar in connection with it seems to separate this altogether from the other expeditions towards Bundelkhand and the Lower Doab.

The following is from the *Tabakāt : Albarī* —

“In A.H. 413 (1021 A.D.) Mahmud again undertook an expedition against the territory of Nanda. Having reached the fort of Gwalhar, he besieged it. Four days after, the chief of the place sent messengers promising thirty five elephants, and solicited protection. The Sultan agreed to the terms, and from thence proceeded to Kalinjar. This is a fort unparalleled in the whole country of Hindustān for its strength. He invested this fort also, and, after a while, Nanda, its chief, presented three hundred elephants, and sued for peace. As these animals were sent out of the fort without riders,<sup>2</sup> the Sultan ordered the Turks to seize and mount them. The enemy perceiving this was much surprised, and Nanda sent a copy of Hindī verses in praise of the Sultan, who gave it to the learned men of Hind and other poets who were at his court, who all bestowed their admiration upon them. He was much pleased with the compliment, and in return conferred on him the government of fifteen forts,<sup>3</sup> besides some other presents. Nanda acknowledged

<sup>1</sup> [See note in p. 456 *supra*]

<sup>2</sup> Firishta says that in order to put the bravery of the Sultan's troops to the test the Rāja had intoxicated these elephants with drugs and that Mahmūd ordered a select body of horse to seize or kill them or drive them away from the camp.

<sup>3</sup> Among which, adds Firishta, was Kalinjar itself.

died slowly away. So long indeed as the warrior prince, whose mighty arm had ventured to seize the reins of destiny in Italy, was still among the living, he held, even when absent, the stronghold of Tarentum against Rome. Although after the departure of the king the peace party recovered ascendancy in the city, Milo, who commanded there on behalf of Pyrrhus, rejected their suggestions and allowed the citizens favourable to Rome, who had erected a separate fort for themselves in the territory of Tarentum, to conclude peace with Rome as they pleased, without on that account opening his gates. But when after the death of Pyrrhus a Carthaginian fleet entered the harbour, and Milo saw that the citizens were on the point of delivering up the city to the Carthaginians, he preferred to hand over the citadel to the Roman consul Lucius Papirius ( $\frac{473}{273}$ ), and by that means to secure a free departure for himself and his troops. For the Romans this was an immense piece of good fortune. After the experiences of Philip before Perinthus and Byzantium, of Demetrius before Rhodes, and of Pyrrhus before Lilybaeum, it may be doubted whether the strategy of that period was at all able to compel the surrender of a town well fortified, well defended, and freely accessible by sea; and how different a turn matters might have taken, had Tarentum become to the Phoenicians in Italy what Lilybaeum was to them in Sicily! What was done, however, could not be undone. The Carthaginian admiral, when he saw the citadel in the hands of the Romans, declared that he had only appeared before Tarentum conformably to the treaty to lend assistance to his allies in the siege of the town, and set sail for Africa; and the Roman embassy, which was sent to Carthage to demand explanations and make complaints regarding the attempted occupation of Tarentum, brought back nothing but a solemn confirmation on oath of that assertion as to its friendly design, with which accordingly the Romans had for the time to rest content. The Tarentines obtained from Rome, probably on the intercession of emigrants, the restoration of their autonomy; but their arms and ships had to be given up and their walls had to be pulled down.

In the same year, in which Tarentum became Roman, the Samnites, Lucanians, and Bruttians finally submitted. The latter were obliged to cede the half of the lucrative, and for ship-building important, forest of Sila.

At length also the band that for ten years had sheltered themselves in Rhegium were duly chastised for the breach of

lages. In the temple were amassed jewels of the most exquisite quality and incalculable value. The people of India have a great river called Gung, to which they pay the highest honour, and into which they cast the bones of their great men, in the belief that the deceased will thus secure an entrance to heaven. Between this river and Somnat there is a distance of about 200 parasangs, but water was daily brought from it with which the idol was washed. One thousand Brahmans attended every day to perform the worship of the idol, and to introduce the visitors. Three hundred persons were employed in shaving the heads and beards of the pilgrims. Three hundred and fifty persons sang and danced at the gate of the temple. Every one of these received a settled allowance daily. When Mahmud was gaining victories and demolishing idols in India, the Hindus said that Somnat was displeased with these idols, and that if he had been satisfied with them no one could have destroyed or injured them. When Mahmud heard this he resolved upon making a campaign to destroy this idol, believing that when the Hindus saw their prayers and imprecations to be false and futile, they would embrace the faith.

"So he prayed to the Almighty for aid, and left Ghazni on the 10th Sha'ban, 1114, with 30,000 horse besides volunteers, and took the road to Multan, which place he reached in the middle of Ramazan. The road from thence to India was through a barren desert, where there were neither inhabitants nor food. So he collected provisions for the passage, and loading 30,000 camels with water and corn, he started for Anhalwara. After he had crossed the desert, he perceived on one side a fort full of people, in which place there were wells. People came down to conciliate him, but he invested the place, and God gave him victory over it, for the hearts of the inhabitants failed them through fear. So he brought the place under the sway of Islam, killed the inhabitants, and broke in pieces their images. His men carried water away with them from thence and marched for Anhalwara, where they arrived at the beginning of Zi l Ka'da.

"The chief of Anhalwara, called Blum, fled hastily, and abandoning his city, he went to a certain fort for safety and to prepare himself for war. Yaminu d daula again started for Somnat, and on his

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Before we describe the political organisation of the Italy which was thus united under the government of Rome, it remains that we should glance at the maritime relations that subsisted in the fourth and fifth centuries. At this period Syracuse and Carthage were the main competitors for the dominion of the western waters. On the whole, notwithstanding the great temporary successes which Dionysius (405-367), Agathocles (311-289), and Pyrrhus (318-272) obtained at sea, Carthage had the preponderance, and Syracuse sank more and more into a second rate naval power. The maritime importance of Etruria was wholly gone (p. 321), the hitherto Etruscan island of Corsica, if it did not quite pass into the possession, fell under the maritime supremacy, of the Carthaginians. Tarentum, which for a time had played a considerable part, had its power broken by the Roman occupation. The brave Massiliots maintained their ground in their own waters, but they exercised no material influence over the course of events in those of Italy. The other maritime cities hardly require to be taken into serious account.

Rome itself was not exempt from a similar fate, its own waters were likewise commanded by foreign fleets. It was indeed from the first a maritime city, and in the period of its vigour never was so untrue to its ancient traditions as wholly to neglect its war marine or so foolish as to desire to be a mere continental power. Latium furnished the finest timber for ship-building, far surpassing the famed growths of Lower Italy, and the very docks constantly maintained in Rome showed that the Romans never abandoned the idea of possessing a fleet of their own. During the perilous crises, however, which the *expulsion of the kings*, the *internal disturbances in the Romano-Latin confederacy*, and the unhappy wars with the Etruscans and Celts brought upon Rome, the Romans could take but little interest in the state of matters in the Mediterranean, and, in consequence of the policy of Rome directing itself more and more decidedly to the subjugation of the Italian continent, the growth of its naval power was arrested. There is hardly any mention of Latin vessels of war up to the end of the fourth century, except that the votive offering from the Veientine spoil was sent to Delphi in a Roman vessel (392). The Antiates indeed continued to prosecute their commerce with armed vessels and thus, as occasion offered, to practise the trade of piracy also, and the "Tyrrhene corsair" Postumius, whom Timoleon captured about 338, may certainly have been an

but the Musulmánns overtook them, and some were killed and some were drowned.

"This temple of Somnát was built upon fifty-six pillars of teak wood covered with lead. The idol itself was in a chamber; its height was five cubits and its girth three cubits. This was what appeared to the eye, but two cubits were (hidden) in the basement. It had no appearance of having been sculptured. Yamínu-d daula seized it, part of it he burnt, and part of it he carried away with him to Ghazní, where he made it a step at the entrance of the Jámi'-masjid. The shrine of the idol was dark, but it was lighted by most exquisitely jewelled chandeliers. Near the idol was a chain of gold to which bells were attached. The weight of it was 200 mans. When a certain portion of the night had passed, this chain was shaken to ring the bells, and so rouse a fresh party of Bráhmans to carry on the worship. The treasury was near, and in it there were many idols of gold and silver. Over it there were veils hanging, set with jewels, every one of which was of immense value. The worth of what was found in the temple exceeded two millions of dinárs, all of which was taken. The number of the slain exceeded fifty thousand."<sup>1</sup>—*Ibn Asír.*]

The following is from the *Táríkh-i Alfí*:—

"It is said that the temple of Somnát was built by one of the greatest Rájás of India. The idol was cut out of solid stone, about five yards in height, of which two were buried in the earth. Mahmúd, as soon as his eye fell on this idol, lifted up his battle-axe with much anger, and struck it with such force that the idol broke into pieces. The fragments of it were ordered to be taken to Ghazní, and were cast "down at the threshold of the Jámi' Masjid," where they are lying to this day. It is a well-authenticated fact that when Mahmúd was about to destroy the idol, a crowd of Bráhmans represented (to his nobles) that if he would desist from the mutilation they would pay several crores of gold coins into his treasury. This was agreed to by many of the nobles, who pointed out to the Sultán that he could not obtain so much treasure by

<sup>1</sup> [The continuation of this chapter, relating to Mahmúd's return, will be found, *supra* page 249.]

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made use of the favourable turn, which their Italian relations assumed soon after the conclusion of the humiliating treaties with Carthage and Tarentum, with all their energy to improve their depressed maritime position. The most important of the coast towns were furnished with Roman colonies. Pyrgi, the seaport of Caere, the colonisation of which probably falls within this period, along the Latin coast, Antium in  $\frac{3}{4}$  (p. 356), Tarracina in  $\frac{3}{4}$  (p. 356), the modern isle of Ponza in  $\frac{3}{4}$  (p. 367), so that, as Ostia, Ardea, and Circen had previously received colonists, all the Latin seaports of consequence were now Latin or burgess colonies, on the Campanian and Iucanian coasts, Minturnae and Sinuessa in  $\frac{1}{4}$  (p. 379), Paestum and Cosa in  $\frac{1}{4}$  (p. 408), and on the coast of the Adriatic, Sena Gallica and Castrum Novum about  $\frac{1}{4}$  (p. 388), and Ariminum in  $\frac{1}{4}$  (p. 408), to which falls to be added the occupation of Brundisium, which took place immediately after the close of the Pyrrhic war. In the greater part of these places—the burgess or maritime colonies<sup>1</sup>—the young men were exempted from serving in the legions and destined solely for the watching of the coasts. The well-judged preference given at the same time to the Greeks of Lower Italy over their Sabellian neighbours, particularly to the considerable communities of Neapolis, Rhegium, Locri, Thurii, and Heraclea, and their similar exemption under the like conditions from furnishing contingents to the land army, completed the network drawn by Rome around the coasts of Italy.

But with a statesmanlike sagacity, from which the succeeding generations might have drawn a lesson, the leading men of the Roman commonwealth perceived that all these coast fortifications and coast garrisons would prove inadequate, unless the war marine of the state were again placed on a footing that should command respect. Some sort of nucleus for this purpose was already furnished on the subjugation of Antium ( $\frac{1}{4}$ ) by the serviceable war-galleys which were carried off to the Roman docks, but the enactment at the same time, that the Antiates should abstain from all maritime traffic,<sup>2</sup> is a very clear and

<sup>1</sup> These were Pyrgi, Ostia, Antium, Tarracina, Minturnae, Sinuessa, Sena Gallica, and Castrum Novum.

<sup>2</sup> This statement is as distinct (Liv. viii. 14. *interdictum mars Antiati populo est*) as it is intrinsically credible. For Antium was inhabited not merely by colonists but also by its former citizens who had been nursed in enmity to Rome (p. 356). This view is, no doubt, inconsistent with the Greek accounts, which assert that Alexander the Great ( $+\frac{1}{4}$ ) and Demetrius Poliorcetes ( $+\frac{1}{4}$ ) lodged complaints at Rome regarding Antiates.

placed was entirely dark, and that it was illumined by the refulgence of the jewels that adorned the candelabra. In the treasury of this temple there were also found numberless small idols of gold and silver. In short, besides what fell into the hands of his army from the plunder of the city, Mahmud obtained so much wealth in gold, jewels, and other valuables from this temple, that no other king possessed anything equal to it.

"When Mahmud had concluded his expedition against Somnat, it was reported to him that Raja Bhim, chief of Nahrwana, who at the time of the late invasion had fled away, had now taken refuge in the fort of Kandama,<sup>1</sup> which was by land forty parasangs distant from Somnat. Mahmud immediately advanced towards that place,<sup>2</sup> and when his victorious flags drew near the fort, it was found to be surrounded by much water, and there appeared no way of approaching it. The Sultan ordered some divers to sound the depth of the water, and they pointed him out a place where it was fordable. But at the same time they said that if the water (the tide) should rise at the time of their passing it would drown them all. Mahmud, having taken the advice of religious persons, and depending upon the protection of the Almighty God, proceeded with his army, and plunged with his horse into the water. He crossed over it in safety, and the chief of the fort having witnessed his intrepidity, fled away. His whole property, with numerous prisoners, fell into the hands of the army of Islam. All men who were found in the fort were put to the sword.<sup>3</sup>

"After this conquest, Mahmud proceeded to invade the territory of the Bhatís, whose chief, being apprised of his intentions, proffered his obedience and submission.<sup>4</sup> The king left him in possession of his dominions, and returned to his own capital of Ghazni."—*Tarikh i Alfi*

From the *Tabakát i Albarí* —

"When Mahmud resolved upon returning home from Somnat, he

<sup>1</sup> Firishta says Gandaba, which Briggs conceives to be Gandavi. Some copies read Khadaba or Khandava. [Ibn Isir has *Kandahat*, *supra* p. 249. It is probably Khandadár in Káthiwar. See Vol. 1 p. 445.]

<sup>2</sup> [The MS. I have used breaks off abruptly here.—Ed.]

<sup>3</sup> The statements in this paragraph are taken from the *Kauzatu s Saif*.

<sup>4</sup> This is also mentioned in the *Kauzatu s Saif*, but is not noticed by Firishta.

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bestowed on the Phœnician mariner who at the sacrifice of his own ship decoyed a Roman vessel, steering after him into the Atlantic Ocean, to perish on a sand-bank), and to restrict their navigation under the treaty to the narrow space of the western Mediterranean—and all this for the mere purpose of averting pillage from their coasts and of securing their ancient and important trading connection with Sicily. The Romans were obliged to yield to these terms; but they did not desist from their efforts to rescue their marine from its condition of impotence.

A comprehensive measure with that view was the institution of four quaestors of the fleet (*quaestores classici*) in 487: of whom the first was stationed at Ostia the port of Rome; the second, stationed at Cales then the capital of Roman Campania, had to superintend the ports of Campania and Magna Græcia; the third, stationed at Ariminum, superintended the ports on the other side of the Apennines; the district assigned to the fourth is not known. These new standing officials were intended to exercise not the sole, but a conjoint, guardianship of the coasts, and to form a war marine for their protection. The objects of the Roman senate—to recover their independence by sea, to cut off the maritime communications of Tarentum, to close the Adriatic against fleets coming from Epirus, and to emancipate themselves from Carthaginian supremacy—were very obvious. Their already explained relations with Carthage during the last Italian war discover traces of such views. King Pyrrhus indeed drove the two great cities once more—it was for the last time—to conclude an offensive alliance; but the lukewarmness and faithlessness of that alliance, the attempts of the Carthaginians to establish themselves in Rhegium and Tarentum, and the immediate occupation of Brundisium by the Romans after the termination of the war, show clearly how much their respective interests already came into collision.

Rome very naturally sought to find support against Carthage from the Hellenic maritime states. Her old and close relations of amity with Massilia continued uninterrupted. The votive offering sent by Rome to Delphi, after the conquest of Veii, was preserved there in the treasury of the Massiliots. After the capture of Rome by the Celts there was a collection in Massilia for the sufferers by the fire, in which the city chest took the lead; in return the Roman senate granted commercial advantages to the Massiliot merchants, and, at the celebration of the games, assigned a position of honour to the Massiliots by

behind him, and it became time to call a halt, people went in search of water, but it was nowhere found. The Sultan summoned the guide to his presence, and asked him where water was procurable. He replied, "I have devoted my life for the sake of my duty Somnat, and have brought thee and thy army into this desert, where no water is, in order that all may perish." The Sultan ordered the guide to be killed, and the army to encamp. He rested patiently until night came on, and then the Sultan went aside from the camp, and prostrating himself on the earth, entreated with the deepest supplication Almighty God for aid in this extremity. When about a quarter of the night had elapsed, a light shone to the north of the camp. The Sultan ordered his army to march in that direction, and when day broke the Omnipotent led them to a place where there was a supply of water. Thus did all the Musulmans escape from this imminent danger."—*Tubakat-i Nisri*

From the *Itimad-i-Safi* —

"It is related that when Sultan Mahmud had achieved the conquest of Somnat, he wished to fix his residence there for some years, because the country was very extensive, possessed many unusual advantages, as well as several mines which produced pure gold. Indian rubies were brought there from Sarandip, one of the dependencies of the kingdom of Guzerat. His ministers represented to him that to forsake Khurasan, which had been taken from his enemies after so many battles, and to make Somnat the seat of government was very improper. In short, the King made up his mind to return, and ordered that some man should be appointed to hold and carry on the administration of the country. The ministers observed that it was impossible for a stranger to maintain possession, and therefore he should assign it to one of the native chiefs. The Sultan accordingly held a council to settle the nomination, in concurrence with such of the inhabitants as were well disposed towards him. Some of them represented to him that amongst the ancient royal families no house was so noble as that of the Dabshilins, of whom only one member survived, and he had

<sup>1</sup> Firishta adds that many of the troops died raging mad from the intolerable heat and thirst.

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these rights there was necessarily attached a prerogative of sovereignty that practically went far beyond them

The relations, which the Italians sustained to the leading community, exhibited in detail great inequalities. In this point of view, in addition to the full burgesses of Rome, there were three different classes of subjects to be distinguished. The full franchise itself, in the first place, was extended as far as was possible, without wholly abandoning the idea of an urban commonwealth in the case of the Roman commune. Not only was the old burgess-domain extended by individual assignation far into Etruria on the one hand and into Campania on the other, but, after the example was first set in the case of Tusculum, a great number of communities more or less remote were gradually incorporated with the Roman state and merged in it completely. It has been already mentioned (pp 345, 356) that in consequence of the repeated insurrections of the Latins against Rome a considerable portion of the original members of the Latin league were compelled to enter the ranks of the full Roman burgesses. The same course was followed in 356 with all the communities of the Sabines, who were closely related to the Romans, and had sufficiently approved their fidelity in the last severe war. In a similar way and for the like reasons, a number of communities of the former Volscian territory appear to have been about the same time transferred from the class of subjects to that of burgesses. These originally Sabine and Volscian, but probably by that time essentially Romanised, communes were the first members of properly alien lineage incorporated in the Roman burgess union. To these there fell to be added the just mentioned maritime or burgess colonies, as they were called, in which the whole inhabitants likewise possessed the full Roman franchise. Accordingly the Roman burgess body probably extended northward as far as the neighbourhood of Caere, eastward to the Apennines, and southward as far as, or beyond, Formiæ. In its case, however, we cannot use the term "boundaries" in a strict sense. Isolated communities within this region, such as Tibur, Praeneste, Signia, and Norba, had not the Roman franchise, others beyond its bounds, such as Sena, possessed it, and it is probable that families of Roman farmers were already dispersed throughout all Italy, either altogether isolated or associated in villages.

Among the subject communities the most privileged and most important class was that of the Latin towns, which now embraced but few of the original participants in the Alban

*Seventeenth Expedition.*—*Játs of Júd.* (A. n. 117.—This expedition is also recorded only by the later authorities, but the attack upon the Játs is not in itself improbable, though some of its attendant circumstances are. It is probable that, on the dissolution of the kingdom of Láhore, the Játs of the Júd hills acquired considerable power, and by predatory incursions were able to harry their neighbours. Their advance so far from their own country to attack the Muhammadan army, and the strength of the force with which they opposed it, show that they possessed no inconsiderable power. From a passage quoted by M. Reinaud from the *Kámilu-t Tawárikh*, (416 n.), it appears that they had invaded the principality of Mansúra and had forced the Musulmán Amír to abjure his religion.<sup>1</sup> It does not quite appear what particular portion of the hilly country is here meant, but most probably the Salt range, on the part nearest to Multán. The Játs have now moved further to the north and east, but some of their clans point to the Salt range as their original seats.

The chief improbability, and it is almost insurmountable, consists in Mahmúd's being able to organise a powerful fleet of fourteen hundred boats at Multán, and in being opposed by at least four thousand boats manned by mountaineers. Even in a time of the briskest trade, fourteen hundred boats could not be collected in all the rivers of the Panjáb. It is also remarkable that Mahmúd should choose to fight at all on the river, when his veteran troops would have been so much more effective on land than on water. If he could have equipped so large a fleet on a sudden emergency, it adds to the surprise which Elphinstone invites us to entertain, that Mahmúd, neither in going to or returning from Somnát availed himself of the Indus. On his return, however, he does seem to have come for some way on the banks of the Indus.

As the year 417 n. began on the 22nd Feb., 1026, there was ample time for Mahmúd to have returned to Ghazní in order to escape the heats and rains of Hindústán, and return again to Multán before the Ghazní winter, all within the same year.

The following account is taken from Nizámu-d dín Ahmad :—

“In the same year (417 n.), the Sultán, with a view to punish the Játs, who had molested his army on his return from Somnát, led a

<sup>1</sup> *Mémoire sur l'Inde*, p. 272.

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Latins, issuing from the Roman burgess-body and feeling themselves in every respect on a level with it, could not but on their part begin to view with displeasure their subordinate federal rights and to strive after full equalisation. Accordingly the senate exerted itself to curtail these Latin colonies,—however important they were for Rome—as far as possible in their rights and privileges, and to convert their position from that of allies to that of subjects, so far as this could be done without removing the line of demarcation between them and the non-Latin communities of Italy. We have already described the abolition of the league itself, and the loss of the most important political privileges belonging to the communities as well as of their former complete equality of rights. On the complete subjugation of Italy a further step was taken, and a movement was made towards the restriction of the personal rights—that had not hitherto been touched—of the individual Latin, especially the important right of freedom of settlement. It is true that the privileges secured by stipulation to the older communities were not touched; but in the case of Ariminum founded in 496 B.C. and of all the autonomous communities constituted afterwards, the privilege of acquiring by settlement in Rome the passive franchise and even a sort of suffrage there (p. 340) was no longer conceded. The main advantage enjoyed by them, as compared with other subjects, consisted in their equalisation with burgesses of the Roman community so far as regarded private rights—those of traffic and barter as well as those of inheritance. The Roman franchise was in future conferred only on such citizens of these townships as had filled a public magistracy in them: in that case, however, it was, apparently from the first, conferred without any limitation of rights.<sup>1</sup> This clearly shows

<sup>1</sup> According to the testimony of Cicero (*pro Cæc.* 135) Sulla gave to the Volaterrans the former *jus* of Ariminum, that is—adds the orator—the *jus* of the “twelve colonies” which had not the Roman *civitas* but had full *commercium* with the Romans. Few things have been so much discussed as the question to what places this *jus* of the twelve towns refers; and yet the answer is not far to seek. There were in Italy and Cisalpine Gaul—laying aside some places that soon disappeared again—thirty-four Latin colonies established in all. The twelve most recent of these—Ariminum, Beneventum, Firmum, Aesernia, Brundisium, Spoletium, Cremona, Placentia, Copia, Valentia, Bononia, and Aquileia—are those here referred to; and because Ariminum was the oldest of these and the town in reference to which this new organisation was primarily established, partly perhaps also because it was the first Roman colony founded beyond Italy, the *jus* of these colonies rightly took its name from Ariminum. This at the same time demonstrates the truth of the view—which already had on other grounds very high probability—that all the colonies established in

Among the coins noticed by Mr Thomas is an important one described by M Dorn in the *Bulletin de l'Académie Impériale des Sciences de Saint Petersbourg*, Tom xii, 1855. This is a coin struck at Ghazni in 359 A H, bearing the name of the Samani suzerain Mansur bin Nuh and of Bilkatigin as ruler in Ghazni. The succession of Bilkatigin after the death of Alptigin has been passed unnoticed by almost all historians, but the *Jami'u l Hikayat* has two stories (pp 180-181 *supra*) in which he is spoken of as ruler, and the *Tabakat i Nasiri* (p 267 *supra*), on the authority of Baihaqi, states that Bilkatigin was raised to the throne on the death of Alptigin's son, Abu Is hak (in 367 A H), and that he reigned two years.

Firishta's version is that Alptigin conquered Ghazni in 351, and died in 365, when he was succeeded by his son, Abu Is hak, who dying two years afterwards, was followed by Subuktigin. This account is consistent in itself, but it is not reconcilable with the fact of Bilkatigin's coin bearing the date of 359. It can hardly be supposed that the name of Bilkatigin would be found upon a coin struck at Ghazni in the life time of Alptigin, although indeed there are coins extant bearing the same name Bilkatigin which were struck at Balkh twenty five years earlier in A H 324.

The *Tabakat i Nasiri* (page 267 *supra*) states that Alptigin died eight years after the conquest of Ghazni, which is placed by Firishta in 351 (962 A D). This would make the year of his death to be 359 (969 A D), the date of Bilkatigin's coin. Mr Thomas, therefore, places the death of Alptigin in 359, leaving the interval between that year and 366, the date of Subuktigin's accession, to be filled up by Abu Is hak and Bilkatigin.

"The opinion advanced by many Muhammadan authors that Subuktigin should be looked upon as the first monarch of the Ghaznavi race, is not borne out by the record on his money. On the contrary, however powerful and virtually independent they may have been, Subuktigin, Isma'il, and Mahmud himself in the early days of his rise, all acknowledged the supremacy of the Samani emperors, and duly inscribed on the currency struck by themselves as local governors, the name of the Lord Paramount, under whom they held dominion. It was not until the year 389 A H (999 A D)

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them to conduct its administration. In other respects these communities retained their own administration, and chose for that purpose their own chief magistrates. This relation, which was first instituted in 451 for Caere (p. 334), and subsequently was applied to Capua (p. 356) and a number of other communities more remote from Rome, was probably in reality the most oppressive among the different forms of subjection. Lastly, the relations of the non-Latin allied communities were subject, as a matter of course, to very various rules, just as each particular treaty of alliance had defined them. Many of these perpetual treaties of alliance, such as that with the Hernican communities (p. 373) and those with Neapolis (p. 361), Nola (p. 367), and Heraclea (p. 402), granted rights comparatively comprehensive, while others, such as the Tarentine and Samnite treaties, probably approximated to despotism.

As a general rule, it may be taken for granted that not only the Latin and Hernican national confederations—as to which the fact is expressly stated—but all such confederations subsisting in Italy, and the Samnite and Lucanian leagues in particular, were legally dissolved or at any rate reduced to insignificance, and that in general no Italian community was allowed the right of acquiring property or of intermarriage, or even the right of joint consultation and resolution, with any other. Further, provision must have been made, under different forms, for placing the military and financial resources of all the Italian communities at the disposal of the leading community. Although the burgess militia on the one hand, and the contingents of the “Latin name” on the other, were still alone regarded as the main and integral constituents of the Roman army, and in that way its national character was on the whole preserved, the Roman *cives sine suffragio* were called forth to join its ranks, and not only so, but beyond doubt the non-Latin allied communities also were either bound to furnish ships of war, as was the case with the Greek cities, or were placed on the roll of contingent-furnishing Italians (*formula togatorum*), as must have been decreed at once or gradually in the case of the Apulians, Sabellians, and Etruscans. In general this contingent, like that of the Latin communities, appears to have had its numbers definitely fixed, although, in case of necessity, the leading com-

were down to the seventh century nominated by the praetors, and not by the burgesses, and that, if Livy (ix. 20) in using the word *creari* has meant it to refer to popular election, he has erroneously transferred the arrangement adopted in the last period of the republic to an earlier epoch.

by his immediate successors, and, as such, would have appeared on their money, whereas, the first Ghaznavi sovereign who stamps his coinage with the term is Ibrâhîm, 451 A H. During the interval, the designation had already been appropriated by another dynasty, the Saljuk Tughril Beg having entitled himself Sultan so early as 137 A H, if not before that date

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“The coins of Mahmud also afford evidence on the non recognition of the Khalif Al Kadir bi llah in the province of Khurasan, until about eight years subsequent to his virtual accession. It is necessary to premise that in the year 381 A H the Khalif Al Tais’i llah was dethroned by the Buwaihids Bahâu d daula the then Amînu l umara of the Court of Baghdâd, and his place supplied by Ahmad bin Is’hak, who was elevated to the Khilafat under the denomination of Al Kadir bi llah. The author of the *Tarîkh : Gudda* relates that ‘the people of the province of Khurasân objecting to this supersession, which was justified by no offence on the part of the late pontiff, continued to recite the public prayers in his name, and it was not until Mahmud of Ghazni, in disavowing his allegiance to the Samânîs, became supreme in that country, that any alteration in the practice was effected, when Mahmud, between whom and the new Imam there existed a friendly understanding, directed the *Khutbah* to be read in the name of Al Kadir’

“The accuracy of this relation is fully borne out by the archaeological evidence furnished by the collection under notice. Mahmud’s coins invariably bearing the designation of the superseded Khalif Al Tais’ in conjunction with his own early title of Saifu d daula up to the year 387 H, while his money of a closely subsequent period is marked by the simultaneous appearance of the name of Al Kadir in association with his own newly received titles of Yamînu d daula and Amînu l millat<sup>1</sup>. Another medal bears unusually explicit testimony to this self imposed submission, in the addition made to Mahmud’s detailed honorary denominations which are here seen to

<sup>1</sup> [These passages are very suggestive. The honours and high sounding titles conferred upon Mahmud as a champion of the Faith had been well earned, but his merits might perhaps have passed unrewarded, but for the personal service rendered to the usurping Khalif.]

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and in like manner the geographical distribution of the several categories over Italy is but imperfectly known. The leading ideas on which the structure was based, on the other hand, are so obvious that it is scarcely necessary specially to set them forth. First of all, as we have already said, the immediate circle of the ruling community was extended as far as was possible without completely decentralising the Roman community, which was urban and was intended to remain so. When the system of incorporation was extended up to and perhaps even beyond its natural limits, the communities that were subsequently added had to submit to a position of subjection; for a pure hegemony as a permanent relation was intrinsically impossible. Thus not through any arbitrary monopolising of sovereignty, but through the inevitable force of circumstances, a class of subjects took its place by the side of the class of ruling burgesses. It was one of the primary expedients of Roman rule to subdivide the governed by breaking up the Italian confederacies and instituting as large a number as possible of comparatively small communities, and to graduate the pressure of that rule according to the different categories of subjects. As Cato in the government of his household took care that the slaves should not be on too good terms with one another, and designedly fomented variances and factions among them, so the Roman community acted on a great scale. The expedient was not generous, but it was effectual.

It was but a wider application of the same expedient, when in each dependent community the constitution was remodelled after the Roman pattern and a government of the wealthy and respectable families was installed, which was naturally more or less keenly opposed to the multitude and was induced by its material interests and by its wish for local power to lean on Roman support. The most remarkable instance of this sort is furnished by the treatment of Capua, which appears to have

little service historically for another reason, namely, that in them, beyond doubt, the Roman full burgesses and the "burgesses without vote," such as the Caerites and Campanians, are mixed up together, while practically the latter must be reckoned decidedly as subjects, and Rome could count with much more certainty on the contingents of the Latins not included in these numbers than on the Campanian legions. If the statement in Livy (xxiii. 5) that 30,000 infantry and 4000 horse could be raised from Capua, was drawn, as hardly admits of doubt, from the Roman census rolls, we may—seeing that the Campanians probably formed the main body of the passive burgesses and are directly put as equivalent to them in Polyb. ii. 24, 14—estimate these passive burgesses at nearly 50,000 men capable of bearing arms; but this number is not sufficiently certain to form the basis of further calculations.

'ABDU-R RASHÍD.—"*'Izzu-d daulat, Zaiinu-l millat, Sharafu-llah*; the glory of the State, the ornament of Religion, the honoured of God."

Khalífa's name, Al Káim bi Amru-llah.

FARRUKH-ZÁD.—On some coins the simple name "*Farrukh-zád*" or "*Farrukh-zád bin Ma'súd*." On others the titles "*Jamdu-d daulat wa Kamdu-l millat*; the ornament of the State and the Perfection of Religion." He is also called in some "*Abú Shujá*", father of courage."

Name of the Khalífa, Al Káim bi Amru-llah.

IBRÁHÍM.—The legends of the coins issued in the long reign are very various. The simplest is "*Ibráhím bin Mas'úd*." Another is "*Abú Muzaffar Ibráhím*." Others are "*Sultánu-l 'azam*, the great Sultan;" "*Zahíru-d daulat*, the protector of the State;" "*Nasíru-d daulat*, "*Zahíru-l millat*, defender of the State and protector of the Faith;" "*Káhiru-l mulúk, Saigidu-s Salátín*, conqueror of kings and chief of monarchs."

The Khalífa's name Al Káim bi Amru-llah.

MAS'ÚD II.—"*Abú Sa'd*, the happy;" "*Sultánu-l 'azam*, the great king;" "*Sultánu-l 'ádíl*, the just king;" "*Alá'u-d daulat wa Sanáu-l millat*, supreme in the State, pre-eminent in Religion;" "*Zahíru-l ímán*, defender of the Faith;" "*Nizámu-d dín*, administrator of Religion;" "*Mauláu-s Salátín*, king of kings." All these various titles were used, and sometimes two or more of them on one coin.

The Khalífa's name, Al Mustazhar bi-llah.

ARSLÁN.—"*As Sultánu-l 'azam, Sultánu-d daulat, Malík Arslán bin Mas'úd*."

The Khálífa, Al Mustazhar bi-llah.

BAHRÁM.—"*Bahrám Shah, Sultánu-l 'azam, Yamínu-d daulat*."

Khalífa, Al Mustashad bi-llah.

KHUSRÚ SHÁH.—"*As Sultánu-l 'azam, Mu'izzu-d daulat*, The Great Sultan, Glory of the State."

Khalífa, Al Muktafi l-Amru-llah.

KHUSRÚ MALÍK.—"*Sultánu-l 'azam; Táju-d daulat*, Crown of the State; *Siráju-d daulat*, Lamp of the State."

Khalífas, Muktafi and Mustanjid.

MUHAMMAD GHORÍ.—This conqueror is called by many historians

was perhaps imposed on the dependent Celtic cantons: so far as the Italian confederacy extended, there was no tributary community. On that account, lastly, while the duty of bearing arms was partially devolved on the subjects, the ruling burgesses were by no means exempt from it, it is probable that the latter were proportionally far more numerous than the body of the allies; and in that body, again, probably the Latins as a whole were liable to far greater demands upon them than the passive burgesses or at least the non-Latin allied communities. There was thus a certain reasonableness in the appropriation by which Rome ranked first, and the Latins next to her, in the distribution of the spoil acquired in war.

The central administration at Rome solved the difficult problem of preserving its supervision and control over the mass of the Italian communities liable to furnish contingents, partly by means of the four Italian *quaestors*, partly by the extension of the Roman censorship over the whole of the dependent communities. The *quaestors* of the fleet (p. 413), along with their more immediate duty, had to raise the revenues from the newly acquired domains and to control the contingents of the new allies; they were the first Roman functionaries to whom a residence and district out of Rome were assigned by law, and they formed the necessary intermediate authority between the Roman senate and the Italian communities. Moreover, as is shown by the later municipal constitution, the chief functionaries in every Italian community,<sup>1</sup> whatever might be their title, had to undertake a valuation every fourth or fifth year; an institution, the suggestion of which must necessarily have emanated from Rome, and which can only have been intended to furnish the senate with a view of the resources in men and money of the whole of Italy, corresponding to the census in Rome.

Lastly, with this military administrative union of the whole peoples dwelling to the south of the Apennines, as far as the Iapygian promontory and the straits of Rhegium, was connected the rise of a new name common to them all—that of “the men of the toga” (*togati*), which was their oldest designation in Roman state law, or that of the “Italians,” which was the appellation originally in use among the Greeks and thence became universally current. The various nations inhabiting

<sup>1</sup> Not merely in every Latin one, for the censorship or so-called *quinquennialitas* occurs, as is well known, also among communities whose constitution was not formed according to the Latin scheme.

## APPENDIX E.

The following extracts are taken from three works resembling the *Jāmi' u-l Hikāyat*. Like the *Jāmi'*, these works are of a general character, but the stories selected from them were intended by Sir H. Elliot to illustrate the reigns of the Ghaznivides, and the extracts relate almost exclusively to that dynasty. The Appendix to this volume therefore seems the most appropriate place for their appearance. If introduced in chronological sequence, two of the extracts would come in much later and be far removed from the other works on the Ghaznvide dynasty.

EXTRACTS FROM THE *Majma'-i Wasāyā*.

[The following stories are taken from a work which the Munshi who translated them calls *Majma'-i Nasāyah*. In the list of works prefixed to Sir H. Elliot's original volume it is entered "No. LXXIX. Wassaya, Nizāmu-l Mulk." No copy of the work is to be found in Sir H. Elliot's library, nor have I been able to obtain access to one. There is no doubt, however, that the extracts are derived from the work of Nizāmu-l Mulk Tūsi, the celebrated wazīr of Malik Shāh Saljūk. This work was largely used by Hammer in his *History of the Assassins*, and he refers to it as the "*Wassaya*, or Political Institutes of Nizāmu-l Mulk." The title of the work then is *Majma'-i Wasāyā*; but it is possible that the copy used by the Munshi bore the title *Majma' i Nasāih*, which is almost identical in signification. The work consists of a series of counsels addressed to the author's own sons.

Malik Shāh Saljūk reigned from 1072 to 1092 A.D., and Nizāmu-l Mulk fell by the dagger of an assassin one month before the death of his master. The work, then, was written in the decline of the Ghaznvide dynasty; and a few stories relating to them and to India have been selected. One passage concerning Nizāmu-l Mulk himself, and Hasan Sabāh the founder of the sect of the Assassins, has no direct reference to India, but it is interesting, and it enables us to identify the work as being the same as that used by Hammer. (See *History of the Assassins*, Transl. p. 44.)

The wording of the Extracts has been revised in part by Sir H. Elliot and in part by some unknown hand, but the translation seems

Italy; these germs were merely developed, when subsequently the Latin language became the mother-tongue of every one entitled to wear the Latin toga. That the Romans already clearly recognised this as their aim, is shown by the familiar extension of the Latin name to the whole body of contingent-furnishing Italian allies.<sup>1</sup> Whatever can still be recognised of this grand political structure testifies to the great political sagacity of its nameless architects; and the singular cohesion, which that confederation composed of so many and so diversified ingredients subsequently exhibited under the severest shocks, stamped their great work with the seal of success. From the time when the threads of this net drawn skilfully and firmly around Italy were concentrated in the hands of the Roman community, it became a great power, and took its place in the system of the Mediterranean states in the room of Tarentum, Lucania, and other intermediate and minor states erased by the last wars from the list of political powers. Rome received, as it were, an official recognition of its new position by means of the two solemn embassies, which in 348 were sent from Alexandria to Rome and from Rome to Alexandria, and which, though primarily they regulated only commercial relations, beyond doubt prepared the way for a political alliance. As Carthage was contending with the Egyptian government regarding Cyrene and was soon to contend with that of Rome regarding Sicily, so Macedonia was contending with the former for the predominant influence in Greece, with the latter proximately for the sovereignty of the Adriatic coasts. The new struggles, which were preparing on all sides, could not but influence each other, and Rome, as mistress of Italy, could not fail to be drawn into the wide arena which the victories and projects of Alexander the Great had marked out as the field of conflict to his successors.

<sup>1</sup> In strict official language, indeed, this was not the case. The fullest designation of the Italians occurs in the agrarian law of 343, line 21;—[*civis*] *Romanus sociumve nominisve Latini, quibus ex formula togalorum [militis in terra Italia imperare solent];* in like manner at the 29th line of the same the *peregrinus* is distinguished from the *Latinus*, and in the decree of the senate as to the Bacchanalia in 186 the expression is used: *ne quis civis Romanus neve nominis Latini neve socium quisquam.* But in common use very frequently the second or third of these three subdivisions is omitted, and along with the Romans sometimes only those *Latini nominis* are mentioned, sometimes only the *socii* (Weissenborn on Liv. xxii. 50, 6), while there is no difference in the meaning. The designation *homines nominis Latini ac socii Italici* (Sallust. Jug. 40), correct as it is in itself, is foreign to the official *usus loquendi*, which employs *Italia*, but not *Italici*.

Káh Khwája Ahmad Hasan was made mediator between the Sultán and Khwája Abú-l 'Abbás, and he took the messages from the one to the other. After much correspondence, it was settled that the Khwája should pay one hundred thousand *dínars* into the royal treasury. The Khwája accordingly engaged to satisfy the demand, and he delivered all the property, movable and immovable, which he had amassed during his former employments of deputy of the *'amids*, superintendent of the post-office at Khurásán, and minister of the Sultán. After he had given over everything that he possessed, he represented his indigence and poverty to the King, who compassionated his case, and having called him to his presence, said, if you swear by my soul and head to your pauperism, nobody shall hurt you. He answered, I will not swear till I again enquire of my wives, children, and dependents, and if I find anything remaining with them, I will send it to the King, and then take the oath. Having said this, he returned, and on administering very binding oaths and using all kinds of threats, he found that some small things belonging to his son were in the possession of a merchant. He took them also, and sent them to the royal treasury, and after this he swore to his indigence by the King's soul and head. 'Alí Khesháwand, however, was still seeking cause to disgrace him and make him feel the result of his animosity, although at the same time he was aware of the oath that Khwája Abú-l 'Abbás had taken.

At this juncture the Sultán undertook an expedition to Hindústán, and one day 'Alí Khesháwand, having gone to him while he was sitting alone, told him how he had long since known the deceitful conduct of Abú-l 'Abbás, and that he had several times determined to bring it before his Majesty's notice, but he had hesitated lest the representation of it might be put down to some selfish motive. Your Majesty, said he, has discovered his other faults and embezzlements without my help, and now he has sworn to his indigence falsely, because he has still in his possession some rarities of such value that few kings can boast of in their stores. The Sultán was much surprised on hearing these words, and said, If it is true, Abú-l 'Abbás deserves great punishment. 'Alí Khesháwand observed, If the King order me, I can prove my assertion. The King remarked that in case he failed to prove it he should suffer death.

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funeral banquets—in a certain sense the earliest Roman legislation against luxury. Such also were the laws—originating in the conflicts of the orders—directed against an immoderate use of the common pasture and a disproportionate appropriation of the occupiable domain land, as well as those directed against usury. But far more fraught with danger than these and similar police laws, which at least explicitly set forth the offence and often prescribed also its precise punishment, was the general prerogative of every magistrate who exercised jurisdiction to inflict a fine for an offence against order, and if the fine reached the amount necessary to found an appeal and the person fined did not submit to the penalty, to bring the case before the community. Already in the course of the fifth century quasi-criminal proceedings had been in this way instituted against immorality of life both in men and women, against the forestalling of grain, witchcraft, and similar practices. Closely akin to this was the quasi-jurisdiction of the censors, which likewise sprang up at this period. They were invested with authority to adjust the Roman budget and the burgess roll, and they availed themselves of it partly to impose of their own accord taxes on luxury which differed only in form from penalties, partly to abridge or withdraw the political privileges of the burgess who was reported to have been guilty of any infamous action. The extent to which this surveillance was already carried is shown by the fact that penalties of this nature were inflicted for the negligent cultivation of a man's own land, and that such an one as Publius Cornelius Rufinus (consul in 466, 477) was struck off the list of senators by the censors of 475, because he possessed silver plate to the value of 3360 sesterces (£34). No doubt, according to the rule generally applicable to the edicts of magistrates (p. 259), the sentences of the censors had legal force only during their censorship, that is on an average for the next five years, and might be renewed or not by the next censors at pleasure. Nevertheless this censorial prerogative was of so immense importance, that in virtue of it the censorship, originally one of the least of the Roman public magistracies, became in rank and consideration the first of all (pp. 290, 309). The government of the senate rested essentially on this twofold police control supreme and subordinate, vested in the community and its officials, and furnished with powers as extensive as they were arbitrary. Like every such arbitrary government, it was productive of much good and much evil, and we do not mean to combat the view of those who hold that

the minister's life, not to mention his property and wealth, is endangered. If a man, then, must choose the profession of a minister, he should obtain the help and co-operation of these men, and conciliate them by affability and kindness. He should raise them by his bounty and favour from indigence and poverty to opulence and abundance, from insignificance and meanness to dignity and importance, so that if any person should be envious of him, they may through gratitude give him assistance, and remain loyal and devoted to his cause, neither opposing nor revolting from him, but preventing others by their examples from quarrelling with him. For when one person shows a rebellious spirit, others join with him either secretly or openly, particularly those who may have suffered any hurt from the minister, or are jealous of his preferment. But perhaps you think, that if relations and confidants and trustworthy men be appointed to all offices, no mismanagement can take place or loss be sustained. You must know that this is a great mistake. Because, on the contrary, it is very dangerous for a minister to entrust his relations with the government duties. Don't you know that from the great confidence and implicit reliance which I place in your brothers, I have appointed them to conduct the affairs of the kingdom and have made them superintendents of all the officers of the different divisions of the country, and have entrusted one of them with the privilege of exercising a general control over all, and of reporting all matters, good or bad, to me. I am sure that they will strive to the utmost of their power to uphold their character and preserve my fame. Now-a-days, however, the chief lady is displeased with me because she wishes that the Sultán should appoint her son his heir-apparent; but her object is not realised, because he sees the marks of greater intelligence, wisdom, and prudence, as well as the symptoms of greatness and royalty in Barkiyáruk; while she considers him of no worth, and thinks that I have persuaded the King to entertain the opinion. At all events, she is disgusted with me, and seeks on all sides to find some one whom she may persuade to rise against me and make the Sultán angry with me. She is in search of my enemies and adversaries, but finds none, and therefore can only complain to the King that the Khwája has sent his people to different parts of the kingdom. This is known to nobody else but

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full power of the husband. The first step towards a legal enforcement of married life was the tax on old bachelors (*uxorium*), with the introduction of which Camillus began his public career as censor in 463.

Changes more comprehensive than those effected in the law itself were introduced into—what was more important in a political point of view, and more easily admitted of alteration—the system of judicial administration. First of all came the important limitation of the supreme judicial power by the embodiment of the common law in a written code, and the obligation of the magistrate thenceforth to decide no longer according to varying usage, but according to the written letter in civil as well as in criminal procedure (453, 452). The appointment of a supreme magistrate in Rome exclusively for the administration of justice in 447 (p. 296) and the establishment of separate police functionaries which took place contemporaneously in Rome, and was imitated under Roman influence in all the Latin communities (p. 296), secured greater speed and precision of justice. These police magistrates or *aediles* had, of course, a certain jurisdiction at the same time assigned to them. On the one hand, they were the ordinary civil judges for sales concluded in open market, for the cattle and slave markets in particular, and on the other hand, they ordinarily acted in processes of fines and amercements as judges of first instance or—which was in Roman law the same thing—as public prosecutors. In consequence of this the administration of the laws imposing fines, and the equally indefinite and politically important right of fining in general, were vested mainly in them. Similar but subordinate functions having especial reference to the poorer classes, pertained to the *tres vii nocturni* or *capitales*, first nominated in 450, they were entrusted with the duties of nocturnal police as regards fire and the public safety and with the superintendence of executions, with which a certain jurisdiction was very soon, perhaps even from the outset, associated.<sup>1</sup> Lastly from the increasing extent

<sup>1</sup> The view formerly adopted that these *tres vii* belonged to the earliest period is erroneous for colleges of magistrates with odd numbers are foreign to the oldest state arrangements (*Chronol.* p. 15 note 12). Probably the well accredited account that they were first nominated in 450 (*Liv. Ep.* 11) should simply be retained and the otherwise suspicious inference of the falsifier Licinius Macer (*in Liv. vii.* 46) which makes mention of them before 484 should be simply rejected. At first undoubtedly the *tres vii* were nominated by the superior magistrates as must have been the case with most of the later *magistratus minores* the Papirian *plebis citum* which transferred the nomination of them to the community and at the same time extended their powers to the collection of process-fines.

descent to an infidel family of Ghazat, and said that he was a descendant of Sabah Khamirí, that his father came from Yemen to Kufa, from that place to Kum, and from thence to Re But the citizens of Re, particularly the people of the country of Tus, denied the fact, and affirmed that his forefathers were natives of their country In short, one day 'Umar Khayam (one of my schoolfellows) said to me, it is well known that the pupils of Imam Muwafik are sure to become men of fortune There is no doubt of this, but let us make some agreement of union, to be fulfilled on one of the party becoming wealthy? I replied, you may propose any you like He observed, I propose that if any one of us become rich, he shall divide his wealth equally with the other, and not consider it his own property I agreed, and this was the promise made between us It so happened that I went to Khurasan, Mawarau n nahr, Ghaznin, and Kabul, as I have shortly related before When I returned from these places I was entrusted with the office of minister, and in the reign of Alp Arslan, Hakím 'Umar Khayam came to me, and I entirely fulfilled my promise First, I received him with great honour and respect, and gave him presents, and then I told him, you are a clever and qualified man, worthy of being the head of all the King's officers, and by virtue of being a scholar of Imam Muwafik, you shall be blessed in this office I will bring you to the notice of the Sultan, and speak to him of your intelligence and honesty, in such terms that he will place confidence in you in the same degree that he does in me On this, Hakím 'Umar observed, "you are of noble birth, and possess a generous disposition and excellent morals and these induce you to do me this favour Otherwise how could such an insignificant man as I am expect this kindness and hospitality from the minister of a kingdom which extends from east to west I value your favour the more because it is shown with sincerity, and not out of compliment Such conduct will enable you to obtain much higher dignity and rank The favour and kindness which you have shown to me is undeniable, and if I were to devote my whole life to you I should still be unable to express my thanks for this single act of kindness My sole desire is that I may always remain with you. To aspire to the rank which you advise me to obtain is not becoming, as it would evidently be very ungrateful on my part. May

sion was established—another step, by which the magisterial authority lost an important part of its powers. In criminal processes, the tribunal of the people, which hitherto had exercised the prerogative of mercy, became a court of legally secured appeal. If the accused was condemned by a magistrate and appealed to the people, the cause was discussed in three public assemblies, the magistrate who had given judgment defending his sentence and so in reality appearing as public prosecutor, it was not till the fourth diet that the question was put (*anquisitio*), when the people confirmed or reversed the sentence. Modification was not allowed. A similar republican spirit breathed in the principles, that the house protected the burgess, and that an arrest could only take place out of doors, that imprisonment during investigation was to be avoided, and that it was allowable for every accused and not yet condemned burgess by renouncing his citizenship to withdraw from the consequences of condemnation, so far as they affected not his property but his person—principles which certainly were not embodied in formal laws and accordingly did not legally bind the prosecuting magistrate, but yet were by their moral weight of the greatest influence, particularly in limiting capital punishment. But, if the Roman criminal law furnishes a remarkable testimony to the strong public spirit and to the increasing humanity of this epoch, it on the other hand suffered injury in its practical working from the struggles between the orders, which in this respect were specially baneful. The co-ordinate primary jurisdiction of all the public magistrates in criminal cases, that arose out of these conflicts (p. 272), led to the result, that there was no longer any fixed authority for preparing indictments, or any serious preliminary investigation, in Roman criminal procedure. And, as the ultimate criminal jurisdiction was exercised in the forms and by the organs of legislation, and never forgot its origin from the prerogative of mercy, as, moreover, the adjudication of police fines had an injurious reaction on the criminal procedure which was externally very similar, the decision in criminal causes was pronounced—and that not so much by way of abuse, as in some degree by virtue of the constitution—not according to fixed law, but according to the arbitrary pleasure of the judges. In this way the Roman criminal procedure was completely void of principle, and was degraded into the sport and instrument of political parties, a result which can the less be excused, seeing that this procedure, while especially introduced for political crimes proper, was

much influence over the King's mind. He obtained such a degree of confidence, that in all important affairs and great undertakings, in which integrity and faithfulness in the agents were needed, the King engaged his assistance and acted according to his advice. In short, I assisted him in obtaining this rank; but at last, by his bad behaviour, many difficulties arose, and I was about to lose all the credit which I had acquired in the course of so many years. In the end he fully shewed the wickedness of his disposition; and marks of bitter animosity and malevolence displayed themselves in his every word and action. If any slight mismanagement took place in the ministerial office, he multiplied and magnified it and reported it to the King, and if the King consulted him about it, he represented the evil of it with some apparently specious arguments.

In Halab (Aleppo) there is a kind of white stone of which pots of all sorts are made. On one occasion it passed the Sultán's tongue that he wished he had some of this kind of stone in Isfahán, and he spoke about it again. One of the camp followers, hearing of the King's wish, after his Majesty had returned (to the capital), said to two merchants of Arabia that if they sent five hundred mans of that stone he would pay them double hire. Accordingly they agreed to carry the 500 mans of stone with their other commodities, each man having 500 mans weight of goods of his own. One of them had six camels and the other four. They divided the stones between them so that they had equal loads upon all their camels. When they reached Isfahán the camp follower came to me, and I took the stone to the King, who was much pleased, and ordered him to be invested with rich apparel, and gave a reward of one thousand dirhams to the merchants, which was to be divided among them by me. I gave six hundred dínárs to him who had six camels, and four hundred to the other. That ungrateful person (Hasan Sabáh) having heard of this, said that I had made a mistake in the division, and had apportioned the money unjustly; that the due of one was still left for the King to pay, and that I should have given eight hundred dínárs to the master of six camels, and two hundred to the other. These words were told the same day to the King, who called me; and when I went to him, that wretch was also standing there. The Sultán looked at me and smiled, and asked me what was the

with the old Roman garden goddess, Venus;<sup>1</sup> and to Asklapios or Aesculapius, who was obtained by special request from Epidaurus in the Peloponnesus and solemnly conducted to Rome (463). Isolated complaints were heard in serious emergencies as to the intrusion of foreign superstition, probably the art of the Etruscan *haruspices* (as in 498); but in such cases the police did not fail to take proper cognisance of the matter.

In Etruria on the other hand, while the nation stagnated and decayed in political helplessness and indolent opulence, the theological monopoly of the nobility, stupid fatalism, wild and meaningless mysticism, the system of soothsaying, and of mendicant prophecy gradually developed themselves, till they reached the height at which we afterwards find them.

In the sacerdotal system no comprehensive changes, so far as we know, took place. The more stringent enactments, that were made about 486 regarding the tax on actions at law destined to defray the cost of public worship, point to an increase in the religious expenses of the state—a necessary result of the increase in the number of its gods and its temples. It has already been mentioned as one of the evil effects of the dissensions between the orders that a greater influence began to be conceded to the colleges of men of lore, and that they were employed for the annulling of political acts (p. 291)—a course by which on the one hand the faith of the people was shaken, and on the other hand the priests were permitted to exercise a very injurious influence on public affairs.

A complete revolution occurred during this epoch in the military system. The primitive Graeco-Italian military organisation, which was probably based, like the Homeric, on the selection of the most distinguished and effective warriors—who ordinarily fought on horseback—to form a special vanguard, had in the later regal period been superseded by the old Dorian phalanx of hoplites, probably eight file deep (p. 95). This phalanx thenceforth undertook the chief burden of the battle, while the cavalry were stationed on the flanks, and, mounted or dismounted according to circumstances, were chiefly employed as a reserve. From this arrangement there were developed nearly at the same time the phalanx of *sarissae* in Macedonia and the manipular legion in Italy, the former formed by closing and deepening, the latter by breaking up and multiply-

<sup>1</sup> Venus probably first appears in the later sense as Aphrodite on occasion of the dedication of the temple consecrated in this year (Liv. x. 31; Becker, *Topographie*, p. 472).

completed this great task in a very short time. But as all the nobles and government officers were aware of his excessive malevolence and jealousy, as well as of his acting contrary to the promises which we had made between us, he obtained praise from no one, and when he submitted the accounts he suffered such disgrace that he had no courage left to stop at the court.<sup>1</sup> Had not this ungrateful person (whom may God protect!) been so disgraced, there was no remedy for me but that which he at last took.

My object in relating this is to show that one day's trouble of examining the records and accounts and reporting them is not considered equivalent to thirty years' official service, and hence you may judge of other concerns and troubles. May God guide and help! I have said all this to make you desist from seeking the office of wazir, and if it has made no effect upon you, it is necessary that I should mention in detail the rules and precepts which you must observe, and which will be of great advantage and use to you if God pleases.



### *The Value of Petticoat Influence*

When the kingdom of Khwarizm fell into the possession of Sultan Mahmud he ordered the ministers of his court to appoint some qualified person to the management of it. They were for some days consulting with each other. The greatest noble of the court, Altuntash, contrived to have the appointment conferred upon himself, but when the offer was made to him he outwardly showed great reluctance in accepting it. Khwaja Ahmad Hasan who was not well disposed towards him, and was anxious to get him out of the way, used his best exertions to get the patent of the appointment drawn up and signed. But as Altuntash was the greatest pillar of the state, every one thought that the King would not like to send him away from the court. However, as Khwarizm was a very great kingdom, the Sultan agreed to the appointment, and ordered him to proceed to his new government.

<sup>1</sup> [The accounts which he rendered had been mutilated or falsified. See Hammer, *Assassins*, p. 45.]

sword and passed by regular promotion from the lower to the higher maniples, and the military tribunes placed at the head of whole legions—six to each—in whose case there was no regular promotion, and who were usually taken from the better classes. In this respect it must have become a matter of importance that, while previously the subaltern as well as the staff officers had been uniformly nominated by the general, after 383 some of the latter posts were filled up through election by the burgesses (p 307). Lastly, the old, fearfully strict, military discipline remained unaltered. Still, as formerly, the general was at liberty to behead any man serving in his camp, and to scourge with rods the staff officer as well as the common soldier, nor were such punishments inflicted merely on account of common crimes, but also when an officer had allowed himself to deviate from the orders which he had received, or when a division had allowed itself to be surprised or had fled from the field of battle. On the other hand, the new military organisation necessitated a far more serious and prolonged military training than the previous phalanx system, in which the solidity of the mass kept even the inexperienced in their ranks. As, however, no special soldier class sprang up, but on the contrary the army still remained, as before, a burgess army, this object was chiefly attained by abandoning the former mode of ranking the soldiers according to property (p 92) and arranging them according to length of service. The Roman recruit now entered among the light-armed “skirmishers” (*velites*), who fought out of the line and especially with stone slings, and he advanced from this step by step to the first and then to the second division, till at length the soldiers of long service and experience were associated together in the corps of the *triarii*, which was numerically the weakest but imparted its tone and spirit to the whole army.

The excellence of this military organisation, which became the primary cause of the superior political position of the Roman community, chiefly depended on the three great military principles of maintaining a reserve, of combining the close and distant modes of fighting, and of combining the offensive and the defensive. The system of a reserve was already foreshadowed in the earlier employment of the cavalry, but it was now completely developed by the partition of the army into three divisions and the reservation of the flower of the veterans for the last and decisive shock. While the Hellenic phalanx had developed the close, and the oriental squadrons of horse armed with bows and light missile spears the distant, modes of fighting respectively,

Hasnák Mishkátí<sup>1</sup> had been many years watching to find a suitable opportunity of injuring him, and every day it was rumoured that Khwaja Ahmad Hasn's place was to be bestowed on him, but as the King's new bride, the daughter of the Khan of Turkistán,<sup>2</sup> was in Ahmad's favour, nothing could be done against him. This lady was called in Ghaznín Mahdí Chigil, and Jamila Kandaharí was one of her favourite attendants. Under the protection of this lady the Khwaja was safe from all dangers. Even such a person as Altuntash, who was viewed as vicegerent of Subuktigin, could never succeed in any hostile design against him.

On one occasion, when the tents of the Sultan were pitched in the vicinity of Kabul, Khwaja Ahmad came on some government business to Ghaznín, and it was reported to him that some merchants were going to Turkistán, who were to return to Ghaznín in the beginning of winter. The Khwaja remembered that he required a certain number of *postins* (great coats) every year for himself and sons, and thought it advisable that some agent should go with the merchants to effect the purchase. To this man's care he committed many valuable and rare commodities of Ghaznín to sell. The same day this news was conveyed to Khwaja Hasnák by his spies, and he informed Altuntash of it. This noble was much rejoiced on receiving the intelligence and he told Khwaja Hasnák that they "could not have found a better opportunity for disgracing him, since he always boasted that he never looked to his own advantage, but to that of the Sultan alone, whereas he is now sending merchants to trade in foreign countries. But we must ascertain this with certainty first, lest the disgrace recoil upon us." Khwaja Hasnák said, "the report is perfectly true, and there is no doubt about its correctness, and verily if this fact were disclosed, the Khwaja must suffer irremediable ruin."

The Khwaja being apprised of their intentions, informed Jamila Kandaharí of the matter. There was such friendly communication between the Khwaja and Jamila, that although it often happened that during a whole year they never had an opportunity of seeing each other, yet one could send messages to the other ten times a day,

<sup>1</sup> [He is called Hasnák Miskál in the *Dastur-i-wurad*, and Mankál in the *Zinat-i-majlis*.]

<sup>2</sup> [Nak Khán.]

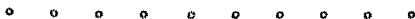
longed Samnite mountain warfare exercised a lasting influence on the individual development of the Roman soldier, and that the struggle with one of the first masters of the art of war, belonging to the school of the great Alexander, effected an improvement in the technical features of the Roman military system.

In the national economy agriculture was, and continued to be, the social and political basis both of the Roman community and of the new Italian state. The common assembly and the army consisted of Roman farmers; what as soldiers they had acquired by the sword, they secured as colonists by the plough. The insolvency of the middle class of landholders gave rise to the formidable internal crises of the third and fourth centuries, amidst which it seemed as if the young republic could not but be destroyed. The revival of the Latin farmer-class, which was produced during the fifth century partly by the large assignations of land and incorporations, partly by the fall in the rate of interest and the increase of the Roman population, was at once the effect and the cause of the mighty development of Roman power. The acute soldier's eye of Pyrrhus justly recognised the cause of the political and military ascendancy of the Romans in the flourishing condition of the Roman farms. But the rise also of husbandry on a large scale among the Romans appears to fall within this period. In earlier times indeed there existed landed estates of—at least comparatively—large size; but their management was not farming on a large scale, it was simply a husbandry of numerous small parcels (p. 192). On the other hand the enactment in the law of 367, which is not inapplicable to the earlier mode of management but yet is far more appropriate to the later, viz. that the landholder should be bound to employ along with his slaves a proportional number of free persons (p. 294), may well be regarded as the oldest trace of the later centralised farming of estates;<sup>1</sup> and it deserves notice that even here at its first emergence it essentially rests on slaveholding. How it arose, must remain an undecided point; possibly the Carthaginian plantations in Sicily served as models to the oldest Roman landholders, and perhaps even the appearance of wheat in husbandry by the side of spelt (p. 188), which

able derivation of the word from the Greek casts suspicion on the derivation of the thing itself from the Samnites. From the Greeks the Romans derived also the sling (*funda* from *σφιδόνη*, like *fides* from *σφιδή*), (p. 227). The pilum was considered by the ancients a thoroughly Roman invention.

<sup>1</sup> Varro (*De R. R.*, i. 2, 9) evidently conceives the author of the Licinian agrarian law as farming in person his extensive lands; although the story may easily have been invented to explain the cognomen (*Stolo*).

with much indignation he ordered the accusers to be put to death; but as Mahd-i Chigil knew that they were innocent, she was unwilling that the blood of so many persons should be shed through her false representations, and begged that their lives might be spared. In short, Altúntásh and Hasnak received a complete defeat, and were covered with ignominy and shame; while the merchant, after being much honoured, was again despatched to Turkistán.



*Sultán Mas'úd and Khwája Hasnak.*

Sultán Mahmūd was always on bad terms with his eldest son Mas'úd; and Khwája Ahmad, although he was unable completely to reconcile them, yet on all occasions he greatly appeased the King's anger. Though he never met the prince except about once a year in the King's presence, he nevertheless did not cease to exert his friendly offices.

When Khwája Ahmad was dismissed, Khwája Hasnak Mishkátí was appointed in his place. This person was a youth of no experience, and but little acquainted with the vicissitudes of the world. His chief attractions were the sincerity of his heart, the affability of his manner, and the readiness with which he served a friend or chastised an enemy. Though the Sultán was in reality disgusted with Mas'úd, yet this secret sentiment remained concealed till the time that he declared his son Muhammad his heir. Hasnak was not in favour with Mas'úd, since, in accordance with the custom of Díwáns, he interfered greatly with the rights and privileges of his princely appanage. Mas'úd was so angry with him in consequence, that when one of the rulers of India sent a sword as a present to him, the person who brought it, expatiating on its value, observed that it was so sharp and well-tempered, that even iron could not resist it. When the assembly was broken up, the prince asked his intimate companions what particular use it was adapted for? Some said it was to cut off infidels' heads, and others observed that it was to destroy his Majesty's enemies. In this manner every one expressed his own opinion; but Mas'úd observed, that he would like to fasten it to his side, and when, on the morrow, Hasnak came to pay his

coinage in central and northern Italy may be comprehended in three groups, within which the coins in common intercourse seem to have been treated as identical. These groups are, first, the coins of the cities of Etruria lying north of the Ciminian forest and those of Umbria; secondly, the coins of Rome and Latium; and lastly, those of the eastern seaboard. We have already observed that the Roman coins held a certain ratio to silver by weight; on the other hand we find those of the east coast of Italy placed in a definite proportional relation to the silver coins which were current from an early period in southern Italy, and the standard of which was adopted by the Italian immigrants, such as the Bruttians, Lucanians, and Nolans, by the Latin colonies in that quarter, such as Cales and Suessa, and even by the Romans themselves for their possessions in Lower Italy. Accordingly the inland traffic of Italy must have been divided into corresponding provinces, which dealt with one another like foreign nations.

In transmarine commerce the relations we have previously described (p. 201) between Sicily and Latium, Etruria and Attica, the Adriatic and Tarentum, continued to subsist during the epoch before us or rather, strictly speaking, belonged to it; for although facts of this class, which as a rule are mentioned without a date, have been placed together for the purpose of presenting a general view under the first period, the statements made apply equally to the present. The clearest evidence in this respect is, of course, that of the coins. As the striking of Etruscan silver money after an Attic standard (p. 201), and the penetrating of Italian and especially of Latin copper into Sicily (p. 203) testify to the two former routes of traffic, so the equivalence, which we have just mentioned, between the silver money of Magna Graecia and the copper coinage of Picenum and Apulia, forms, with numerous other indications, an evidence of the active traffic which the Greeks of Lower Italy, the Tarentines in particular, held with the east Italian seaboard. The commerce again, which was at an earlier period perhaps still more active, between the Latins and the Campanian Greeks seems to have been disturbed by the Sabellian immigration, and to have been of no great moment during the first hundred and fifty years of the republic. The refusal of the Samnites in Capua and Cumae to supply the Romans with grain in the famine of 473 may be regarded as an indication of the altered relations which subsisted between Latium and Campania, till at the commencement

Khurasan, which had been conquered, after battling with so many powerful enemies, and to make Somnat the seat of government. In short, the King determined to return, and he ordered that some person should be appointed to govern and retain possession of the country. They represented that no more power or glory could be gained in that country, and therefore they proposed to him to entrust some native with the office. The Sultan consulted in the matter with such people of the country as were of a friendly disposition to him. Some of them told him that no chiefs of the country were equal to the family of Dabshilim and that at that time only one person of that house was surviving, and he was engaged in worshipping God in the habit of a saint. He ought to have the governorship of the country. Others, however, objected to this, alleging that he was a man of a bad disposition, and had fallen under the wrath of God. He had not willingly taken retirement and devoted himself to worship but he had been several times seized by his brothers, and in order to save his life he had taken refuge in a place of sanctity, but there was another Dabshilim, who was one of his relations, and who was a very wise, learned, and intelligent man, whom all respected for his philosophical acquirements. He was also at this time the chief of the principality. If the Sultan would appoint him governor and send a farman to him, he might come and take upon him the management of the country. That he was also very honest and faithful in observing his promises, so that, notwithstanding the great distance which intervened, if he agreed to pay tribute, he would send it every year to Ghaznin. The King said if he presented himself before him the proposal might be accepted, but why should he give such a large kingdom to a person who had already borne the title of king in India, and had not yet come to meet him nor had proffered submission. In short, the devoted Dabshilim was called, and placed in charge of the kingdom. He agreed to pay a tribute, and promised never to act contrary to the King's orders as long as he lived, and also to forward all the gold and rubies which might be extracted from the mines to Ghaznin. But he said there was another Dabshilim among his relations, who was his bitter enemy, and on one occasion some bloodshed had even taken place between them. That he had no

be preferred—of the rigid Roman police. Closely connected with this subject are the already-mentioned interdicts, which the law of the Twelve Tables fulminated against purple bier-cloths and gold ornaments placed beside the dead; and the banishment of all silver plate, excepting the salt-cellar and sacrificial ladle, from the Roman household, so far at least as sumptuary laws and the terror of censorial censure could banish it: even in architecture we shall again encounter the same spirit of hostility to luxury whether noble or ignoble. Although, however, in consequence of these influences Rome probably preserved a certain outward simplicity longer than Capua and Volsinii, her commerce and trade—on which, in fact, along with agriculture her prosperity from the beginning rested—must not be regarded as having been inconsiderable, or as having less sensibly experienced the influence of her new commanding position.

No urban middle class in the proper sense of that term, no body of independent tradesmen and merchants, was ever developed in Rome. The cause of this was—in addition to the disproportionate centralisation of capital which occurred at an early period—mainly the employment of slave labour. It was usual in antiquity, and was in fact a necessary consequence of slavery, that the minor trades in towns were very frequently carried on by slaves, whom their master established as artisans or merchants; or by freedmen, in whose case the master not only frequently furnished the capital, but also regularly stipulated for a share, often the half, of the profits. Retail trading and dealing in Rome were undoubtedly constantly on the increase; and there are proofs that the trades which minister to the luxury of great cities began to be concentrated in Rome—the Ficoroni casket for instance was designed in the fifth century of the city by a Praenestine artist and was sold to Praeneste, but was nevertheless manufactured in Rome.<sup>1</sup> But as the net proceeds even of retail business flowed for the most part into the coffers of the great houses, no industrial and commercial middle-class arose to an extent corresponding to that increase. As little were the great merchants and great manufacturers marked off as a distinct class from the great landlords. On the one hand, the latter were from ancient times (p. 204, 265) simultaneously traders and capitalists, and combined in their

<sup>1</sup> The conjecture that Novius Plautius, the artist who wrought at this casket in Rome for Dindia Macolnia, may have been a Campanian, is refuted by the old Praenestine tombstones recently discovered, on which, among other Macolnii and Plautii, there occurs also a Lucius Magolnius, son of Plautius (*L. Magolnio Pla f*).

of his court by sending them presents. When he had confirmed himself in the governorship, he sent tribute, with some jewels, to the King, and asked him to send back his enemy to him. The Sultan at first hesitated in complying with his request, and was unwilling to render him up into the hands of his enemy, but as the devout Dabshulim had gained the favour of the ministers of the throne by his munificence, they all taxed the King with showing mercy to an infidel, and said that it was very improper for a king to act contrary to his promise. It was also to be apprehended that the pious Dabshulim might rebel, and the country be lost. At last the young prince was made over to the people of the pious Dabshulim, and farmans were sent to the authorities in India to conduct him to the confines of Somnat. When he was taken to that country the pious Dabshulim ordered a dwelling to be made under the throne on which he used to sit. It was the custom among these people that when their enemy was brought near the metropolis of the kingdom, the ruler was to advance one march to receive him. He was also to put a dish and a vessel of water over his head, and make him go on foot before his horse till he arrived at court.<sup>1</sup> After this the King sat on the throne, and his enemy was taken to the subterraneous house, and there seated on a cushion. According to this custom Dabshulim went out, but it happened that the captive had not yet arrived. Dabshulim went out hunting, and exerted himself greatly in the field. When the hot wind began to blow, the soldiers and all the people sought shelter where they might rest, and Dabshulim also alighted and went to sleep under the shade of a tree, covering his face with a red handkerchief. In India there are plenty of birds of prey with hard claws and sharp bills. One of these birds came flying towards him, and when it saw the red handkerchief, it mistook it for a piece of flesh, and pouncing down on Dabshulim's face, it tore out his eyes with his beak. This created great confusion among his people, and in the meantime the young captive was brought in. The pious Dabshulim was now blind and useless and, since no other person beside this young man had a right to the

<sup>1</sup> This mode of receiving the banished monarch on his return seems to resemble the present practice of Hindu women forming a procession to meet a stranger with brass pots upon their heads in token of welcome.

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hours of evening and night, and generally for the keeping open of the communication, for the uninterrupted supply of the market of the capital with good and cheap grain, for the destruction of unwholesome articles, and the suppression of false weights and measures, and for the special oversight of baths, taverns, and houses of bad fame

In respect to buildings the regal period, particularly the epoch of the great conquests, probably accomplished more than the first two centuries of the republic Structures like the temples on the Capitol and on the Aventine and the great Circus were probably as offensive to the frugal fathers of the city as to the burgesses who gave their taskwork, and it is remarkable that perhaps the most considerable building of the republican period before the Samnite wars, the temple of Ceres in the Circus, was a work of Spurius Cassius (354) who in more than one respect sought to lead the commonwealth back to the traditions of the kings The governing aristocracy moreover repressed private luxury with a rigour such as the rule of the kings, if prolonged, would certainly not have displayed But at length even the senate was no longer able to resist the superior force of circumstances It was Appius Claudius who in his epoch-making censorship (312) threw aside the antiquated rustic system of parsimonious hoarding, and taught his fellow-citizens to make a worthy use of the public resources He began that noble system of public works of general utility, which justifies, if anything can justify, the military successes of Rome when viewed in the light of the well being of the nations, and which even now in its ruins furnishes some idea of the greatness of Rome to thousands on thousands who have never read a page of her history To him the Roman state was indebted for its first great military road, and the city of Rome for its first aqueduct Following in the steps of Claudius, the Roman senate wove around Italy that network of roads and fortresses the formation of which has already been described (p 408), and without which, is the history of all military states from the Achaemenides down to the creator of the road over the Simplon shows, no military hegemony can subsist Following in the steps of Claudius, Manius Curius built from the proceeds of the Pyrrhic spoil a second aqueduct for the capital (272), and some years previously (334) with the gains of the Sabine war he opened up for the Velino, at the point above Terni where it falls into the Nera, that broader channel in which the stream still flows, with a view to drain the beautiful valley of Rieti and thereby

Majesty called me by my name, and as to his profession I saw him walk round that dry old tree, and look carefully at it" The Sultan, on hearing these words, said, "You would indeed be a most sagacious fellow if you could tell me what that man has eaten to day" "Honey, or the juice of some fruit," said Ahmad The Sultan then called the man and asked him, first, "Do you know this boy (Ahmad Hasan)?" The reply was that he had never seen him before Mahmud then enquired of the man who he was, what was his name, and what he had eaten that day? The answer was exactly what Ahmad had already given Greatly wondering, the Sultan turned towards Ahmad and asked him how he knew that the man had eaten honey? to which he thus replied "I knew it because he kept wiping his mouth, and the bees were swarming around him"

### *Treasures of Bhim nagar<sup>2</sup>*

It is recorded in many authentic histories that when the Sultan succeeded in capturing the fort of Bhim nagar on the confines of Indrā, which was believed to be of incomparable strength, and commonly reported to contain immense wealth, he obtained as booty no less than seventy thousand millions of dirhams, seven hundred thousand and four hundred mans of gold and silver vessels rare vestments of different kinds, the exact value of which appraisers found it impossible to calculate, and vast quantities of precious stones and pearls, beyond all computation An edifice (*Ihana*) fell into the Sultan's hands, which measured 30 cubits by 15, the sides and covering of which were entirely made of pure silver

### *A Splendid Comet*

In 330 A H (941-2 A D), a comet made its appearance, the tail of which reached from the eastern to the western horizon It remained in the heavens eighteen days and its blighting influence caused so severe a famine, that wheat, the produce of one jarib of land, was sold for three hundred and twenty miskals of gold. When the value of a spike of corn was esteemed as high as the Pleiades, conceive what must have been the value of wheat"

The famine in the land was so sore that man was driven to feed

<sup>2</sup> [Nagarkot or Kangra See *supra*, p 35, and Briggs' *Firishda*, i p 48]

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more territory than you can manage." The Sultán was impressed by the truth of these words, and ordered proclamation to be issued that whoever wanted to go to Hurmuz should get ready, and the Sultán would furnish a guard.

When the travellers were ready, the King ordered three hundred of his guards (*ghulam*) to accompany them. But the merchants said that if there were a thousand horsemen they would be too few. The Sultán replied, that whatever property of theirs should be lost he would make good from his treasury. He then called an old man from amongst the guards, and gave him some instructions, which will be shortly mentioned. When the caravans reached Isfahán, the leader ordered some panniers of apples and other choice fruits to be loaded on camels, and these fruits were charged with poison. At every stage the fruit was taken out and examined, and if any was found rotten it was thrown away. In this manner, when they arrived at the abode of the thieves, they brought out the fruits and spread them on the ground as if to air them. The robbers fell on them, and the guards mounted their horses and took to flight. The merchants were in utter despair respecting the safety of their property and lives. The robbers fell upon the caravan, and bound the merchants, and then they began to eat the fruits which were spread out, and such as no individual had ever seen before in that country. After a short time the poison took effect upon them, insomuch that their hands and feet were quite paralysed. The guards then turned their horses' heads, set upon the half-dead robbers, and finished them with their sharp swords. In this manner the roads were made clear, and security established for travellers.<sup>1</sup>

*Mahmúd's Distrust of his Uncle 'Abdu-r rahmán.*

It is related in the *Tárikh-i Násirí* that when Sultán Mahmúd of Ghaznái came to Hirát, 'Abdu-r rahmán Khán, who was one of the ministers of state, lodged in a very comfortable dwelling belonging to a learned man of great renown. One day, 'Abdu-r rahmán represented to the King that the house in which he had put up

<sup>1</sup> [This is the same story as the one taken from the *Jam'u-l Hikayat* (*supra* p. 194), but it is very differently told. It is also given in the *Tárikh-i Guzida*. See Reinaud, *Mém. sur l' Inde*, p. 171.]

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position, partly by the slight development of any national culture of its own, and partly perhaps by its nationality presenting a character less alien to the Greek stock than that of the rest of Italy (p. 10). We have already called attention (p. 352) to the fact that the southern Sabellian stocks, although at the outset in concert with the tyrants of Syracuse they crushed and destroyed the Hellenism of Magna Graecia, were at the same time affected by contact and mingling with the Greeks, so that some of them, such as the Bruttians and Nolans, adopted the Greek language by the side of their native tongue, and others, such as the Lucanians and part of the Campanians, adopted at least Greek writing and Greek manners. Etruria likewise showed tendencies towards a kindred development in the remarkable vases which have been discovered (p. 440) belonging to this period, rivalling those of Campania and Lucania; and though Latium and Samnium remained mere strangers to Hellenism, there were not wanting there also traces of an incipient and ever-growing influence of Greek culture. In all branches of the development of Rome during this epoch, in legislation and coinage, in religion, in the formation of national legend, we encounter traces of the Greeks; and from the commencement of the fifth century in particular, in other words, after the conquest of Campania, the Greek influence on Roman life appears rapidly and constantly on the increase. In the fourth century occurred the erection of the "*Graecostasis*"—remarkable in the very form of the word—a platform in the Roman Forum for eminent Greek strangers and primarily for the Massiliots (p. 413). In the following century the annals began to exhibit Romans of quality with Greek surnames, such as Philippus or in Roman form Pilipus, Philo, Sophus, Hypsaeus. Greek customs gained ground: such as the non-Italian practice of placing inscriptions in honour of the dead on the tomb—of which the epitaph of Lucius Scipio (consul in  $\frac{456}{28}$ ) is the oldest example known to us; the fashion, also foreign to the Italians, of erecting without any decree of the state honorary monuments to ancestors in public places—a system begun by the great innovator Appius Claudius, when he caused bronze shields with images and eulogies of his ancestors to be suspended in the new temple of Bellona ( $\frac{442}{2}$ ); the distribution of branches of palms to the competitors, introduced at the Roman national festival in  $\frac{461}{3}$ ; above all, the Greek manners and habits at table. The custom not of sitting as formerly on benches, but of reclining on couches, at table; the postponement of the chief meal from

hammad and deprived him of sight. Mas'úd then proceeded to Ghaznín and sat upon the throne.

At the same time, Abú Suhál Zaurakí,<sup>1</sup> the 'Ariz, represented that Sultán Muhammad had distributed from the public treasury a large sum among his nobles, army, attendants, and courtiers, but as he was not the real sovereign, the King ought to order these people to refund the money; then, if he liked, he might after a few days give the large fees himself, in order that to him only their obligations might be due.

Sultán Mas'úd having liberated Hasan Maimandí, his father's minister, who had been imprisoned in the fort, raised him to the post of wazír, and consulted him upon these suggestions. The Khwája said, the King might do what he liked, but he should consider this matter well, and see the good and evil of it before adopting any resolution. Sultán Mas'úd, however, would not listen to his advice, and maintained his own determination. The Khwája then summoned Abú Nasr Miskání,<sup>2</sup> and said: "These cowardly people have been making such and such representations to the King. I wish you to go to him and tell him on my part that such an act was never done by any of the former kings, and it will make people disgusted with him." Abú Nasr said, "Here is what Sultán Muhammad gave me," and he refunded it to the royal treasury. Abú Suhál observed to the King that if all persons would follow the example of Abú Nasr, the money would be soon realised. The Sultán went out hunting, and ordered Abú Suhál to collect it. Abú Suhál appointed officers for that purpose, and inflicted torture and punishment on those who had spent what they had received. People were greatly disgusted with the government, and much confusion ensued in the affairs of the kingdom. Sultan Mas'úd became ashamed of what he had done, and was so much displeased with Abú Suhál, that he removed him from the office he held. He was often heard to say, "May such base servants never find their way into the court of a king."<sup>3</sup>

<sup>1</sup> [The Bú Suhál Zauzaní of Bahakí, *supra* p. 88.] *Zan-an* is the name of a town and district between Naishapur and Hirát.

<sup>2</sup> [The "*Mishkan*" of Bahakí, and the *Jam'i'u-l Hikayat*. See *supra* p. 106, 190.]

<sup>3</sup> [This story explains Bahakí's unintelligible allusion about Abú Suhál, *supra* page 88.]

aqueducts, the farming of estates and the monetary system; it moulded the she-wolf of the Capitol and designed the Ficoroni casket. But the individuals, who contributed the several stones to this gigantic structure and cemented them together, have disappeared without leaving a trace, and the nations of Italy did not merge into that of Rome more completely than the single Roman burgess merged in the Roman community. As the grave closes alike over all whether important or insignificant, so in the roll of the Roman burgomasters the empty scion of nobility stands undistinguishable by the side of the great statesman. Of the few records that have reached us from this period none is more venerable, and none at the same time more characteristic, than the epitaph of Lucius Cornelius Scipio, who was consul in 426, and three years afterwards took part in the decisive battle of Sentinum (p. 377). On the beautiful sarcophagus, in noble Doric style, which eighty years ago still enclosed the dust of the conqueror of the Samnites, the following sentence is inscribed:—

*Cornélius Lucius—Scipio Barbatus,  
Gnavod patrē prognātus,—fōrtis vīr sapiēnsque,  
Quorū forma virtutis—lētī parīsuma fuit,  
Cōsōl cēnsōr aīdētis—quē fuit apūd vos,  
Taurāsīd Cissāīna—Sāmniō cēpit,  
Subīgit omē Loucānam—ōpsidētisquē addūcit.*

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Innumerable others who had been at the head of the Roman commonwealth, as well as this Roman statesman and warrior, might be commemorated as having been of noble birth and of manly beauty, valiant and wise; but there was no more to record regarding them. It is no mere fault of tradition that among all these Cornelli, Fabii, Papirii and the like, we nowhere encounter a distinct individual figure. The senator was supposed to be no worse and no better than other senators, nor at all to differ from them. It was not necessary and not desirable that any burgess should surpass the rest, whether by showy silver plate and Hellenic culture, or by uncommon wisdom and excellence. Excesses of the former kind were reproved by the censor, and for the latter the constitution gave no scope. The Rome to this period belonged to no individual; it was necessary for all the burgesses to be alike, that each of them might be like a king.

No doubt, even now Hellenic individual development began to assert its claims by the side of that levelling system; and the genius and force which it exhibited bear, no less than the tendency to which it opposed itself, the full stamp of that great age. We

Sultan Mahmúd, on a mission to Ilak Khan, the ruler of Máwaráun nahr and Turkistan, he heard from the Khan, who was the wisest man of the time, that a kingdom might be compared to a garden, and the king to a gardener, who, if he wishes to make a good garden, must have three kinds of trees in it—firstly, fruit-bearing trees from which fruit may be gathered at once, secondly, trees from which fruit may soon be expected, which, though they do not yield fruit, yet by their blossoms and verdure, add beauty to the garden, and thirdly, young trees which some time afterwards will produce fruit. When the trees are old and withered, the gardener uses them for fuel, and young trees being planted in succession, they in their turn bear flowers and fruit, so that the garden is never without fruit, or wanting in flowery beauty.

Sultán Ibrahim, on hearing these words, determined on observing them in his government. He always trained up a body of men qualified to conduct the important duties of the government, and in doing this, he took especial care that his officers should not think that the King could not do without them, and that there were no people able to fill their offices. He also wished them to feel that there were other persons equal to them, and qualified to perform their duties, and that as it was by his favour only that they had held office, they ought always to endeavour to please him.

### *The Punishment of Tuman<sup>1</sup>*

It is related in the *Tarikh i Nasiri*, that when 'Abdu r Rashid succeeded to the throne of Ghazni, he showed great favour to one of his slaves named Tuman, and so advanced him from day to day, that at last the direction of all affairs came under his control. This Tuman was a low-minded, ill bred tyrannical fellow, who did his best to bring down the great and noble, and to get low and bad men appointed to their places. Among these he patronised and sup-

<sup>1</sup> [This is the same story as that given in page 196 from the *Jam'iu l Hikayat*, and which I could not find in the MSS of that work. Search was also made for the story in Sir H. Elliot's imperfect copy of the *Zinatu l Mayahs* but without success. The text has since been discovered among some miscellaneous extracts from this work, and as it shows that there are several differences in the story or errors in the translation, I have here introduced a new version after the text of the *Zinat*—ED.]

## CHAPTER IX

### ART AND SCIENCE

THE growth of art, and of poetic art especially, in antiquity was intimately associated with the development of national festivals. The extraordinary thanksgiving-festival of the Roman community which had been organised in the previous period mainly under Greek influence, the *ludi maximi* or *Romani* (p. 228), acquired during the present epoch a longer duration and greater variety in the amusements. Originally limited to one day, the festival was prolonged by an additional day after the happy termination of each of the three great revolutions of  $\frac{245}{309}$ ,  $\frac{260}{494}$ , and  $\frac{387}{387}$ , and thus at the close of this period it had already a duration of four days.<sup>1</sup>

A still more important circumstance was, that, probably on the institution of the curule aedileship ( $\frac{387}{387}$ ) which was from the first entrusted with the preparation and oversight of the festival (p. 296), it lost its extraordinary character and its reference to a special vow made by the general, and took its place in the series of the ordinary annual festivals as the first of all. Nevertheless the government adhered to the practice of allowing the spectacle proper—namely the chariot-race which was the principal performance—to take place not more than once at the close of the festival. On the other days the multitude were probably left mainly to furnish amusements for themselves, although

<sup>1</sup> The account given by Dionysius (vi. 95; comp. Niebuhr, ii. 40) and by Plutarch deriving his statement from another passage in Dionysius (*Camill.* 42), regarding the Latin festival, must be understood to apply to the Roman rather than the Latin games, as, apart from other grounds, is strikingly evident from comparing the latter passage with Liv. vi. 42 (*Ritach*). *Page 1, 2, 33* Dionysius has, nevertheless, according to his wont when in error, misunderstood the expression *ludi maximi*.

There was, moreover, a tradition which referred the origin of the national festival not, as in the common version, to the conquest of the Latins by the first Tarquinius, but to the victory over the Latins at the lake Regillus (Cicero, *de Div.* i. 26, 55; Dionys vii. 71). That the important statements preserved in the latter passage from Fabius really relate to the ordinary thanksgiving-festival, and not to any special votive solemnity, is evident from the express allusion to the annual recurrence of the festival, and from the exact agreement of the sum of the expenses with the statement in the Pseudo-Asconius (p. 142 Or.)

Túmán proceeded to Parsháwar with three hundred horse, and having captured Abú Táhir, put him in chains. He then released Khatib Lút from confinement, and returned. When they were one day's journey from Ghazní, they received the unexpected intelligence that the infidel Tughril had slain 'Abdu-r Rashíd and usurped his place. The horsemen who had come with Túmán then went to Khwája Abú Hasan (Táhir), and with many apologies, said, "The power is now in your hands; whatever you order we will execute." The Khwája directed them to remove the fetters from his feet and place them on Túmán. The soldiers then pulled him roughly from his horse and placed the chains on his feet. Khatib Lút and his dependents were also seized, placed upon camels, and carried to Ghaznín. All this calamity fell upon 'Abdu-r Rashíd because he was a simpleton,<sup>1</sup> and listened to the reports of sycophants.

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NOTE G.

*Mir-át-i Mas'údi.*

[This is professedly a life of Mas'úd the Ghaznvide, and finds an appropriate place here after the story books. The author of this extraordinary work was by name 'Abdu-r Rahmán Chishtí. He explains the motives which impelled him to its composition, and the sources of his information after the following manner: "The history of the King of Martyrs, Sálár Mas'úd, the facts of his birth, of his coming to Hindustan, and of his martyrdom, are told by different men in various ways, which have not found a place in any historical work of repute. The writer had long endeavoured to ascertain the real facts; and, after much research he obtained possession of an old book written by Mulla Muhammad Ghaznawí. This man was servant of Sultán Mahmúd Subuktigin. He was also in the service of Sálár Sáhú, and of the Prince of Martyrs, whom he survived. The writer perused this old book from beginning to end with the greatest pleasure, and the doubts which he had entertained were dispelled. The book was very long, it entered into details about the wars of Sultán Mahmúd, and Sálár Sáhú, mentioning incidentally here and there the King of Martyrs, and closing with an account of his

<sup>1</sup> [*Lauh-i sada*, lit, *tabula rasa*]

of art was affected by the moral anathema, which was denounced against these frivolous and mercenary trades by the sober earnestness of the Roman character. "The trade of a poet," says Cato, "in former times was not respected, if any one occupied himself with it or addicted himself to banquets, he was called an idler." But now any one who practised dancing, music, or ballad singing for money was visited with a double stigma, in consequence of the more and more confirmed disapproval of the acquisition of a livelihood by services rendered for hire. While accordingly the taking part in the masked farces with stereotyped characters, that formed the usual native amusement (p. 226), was looked upon as a pardonable youthful frolic, the appearing on a public stage for money and without a mask was considered as directly infamous, and the singer and poet were in this respect placed quite on a level with the rope dancer and the harlequin. Persons of this stamp were regularly pronounced by the censors (p. 426) incapable of serving in the burgess army or of voting in the burgess assembly. Moreover, not only was the direction of the stage regarded as pertaining to the province of the city police—a fact significant enough even in itself—but the police was probably, even at this period, invested with arbitrary powers of an extraordinary character against professional artists. Not only did the police magistrates sit in judgment on the performance after its conclusion—on which occasion wine flowed as copiously for those who had acquitted themselves well, as stripes fell to the lot of the bungler—but all the urban magistrates were legally entitled to inflict bodily chastisement and imprisonment on any actor at any time and at any place. The necessary effect of this was that dancing, music, and poetry, at least so far as they appeared on the public stage, fell into the hands of the lowest classes of the population, and especially into those of foreigners, and while at this period poetry still played altogether too insignificant a part to attract foreign artists to its cultivation, the statement on the other hand, that in Rome all the music, sacred and profane, was really Etruscan, may be regarded as already applicable to this period, so that the ancient Latin art of the flute, which was evidently at one time held in high esteem (p. 226), had been supplanted by foreign music.

There is no mention of any poetical literature. Neither the masked plays nor the recitations of the stage can have had any definitely settled text, on the contrary, they were ordinarily improvised by the performers themselves as circumstances

sources; his incidents seem to be borrowed rather than invented, and, as he used a contemporary work which is not known to us, it may be that some of his novel statements may be true, or may serve to explain, or elucidate other writers, though no reliance can be placed on them when unsupported.

The work bears no date; but the author tells us that he wrote in the time of Jahángír, a time far too distant for him to have had any personal knowledge of the scenes he depicts. Sir H. Elliot accredits him with another work, the *Mír-át-i Asrár*. The MS. is a duodecimo of 214 pages, 165 of which were translated by Mr. R. B. Chapman, B.C.S., by request of Sir H. Elliot. The editor regrets that the nature of the book has compelled him to reject a full half of the translation. It may be that even now too much has been printed; but the book is unknown to the European reader, and the extracts given will probably satisfy, rather than excite further curiosity.]

#### CHAPTER 1.

*Of the expedition of Súlár Sáhú, general (pahlawán) of the army, into Hindustán, by order of Sultán Mahmúd of Ghazní, to the assistance of Muzaffar Khán; and of the birth of Mas'úd at Ajmír.*

Sultán Mahmúd of Ghazní (God make the light of his tomb to shine!) having subdued the kingdom of Rúm and the whole of the countries of Túrán and Irán, spreading everywhere the religion of Muhammad, was seated on his throne awaiting an occasion of further executing the purposes of Allah, when suddenly one day, four men mounted on camels, appeared from the direction of Hindustán, making loud lamentations. The officers of state and the attendants brought word immediately to the Sultán, and they were summoned to the presence.

Bowing to the ground, they spake as follows:—"Sultán Abú-l Hasan attacked us with his army, and slew Hurmuz, the servant of Muzaffar Khán; he also very nearly succeeded in putting to death Muzaffar Khán himself, his wife and children, and all those about him, so that he was obliged to evacuate the place with all his dependants, and escape towards the desert. He has now been living for some years in Ajmír. At the present time Rái Bhírán and Rái Súm-giriyá, with four and forty other Hindu princes, have assembled



secondly, a male child should be born to him. At this time many spirits appeared to Salar Sahu, pouring such like glad tidings into his ears, as is fully related in the *Tawarikh i Mahmudi*. From that time he perceived a supernatural influence at work within him. • •

When the news of the arrival of the General reached Muzaffar Khan he was overjoyed, and caused music to be played. The unbelievers who had assembled to besiege Ajmir were struck with a panic, and agreed together that since Mahmud's army had come up on one side, and Muzaffar Khan, taking courage, was preparing to sally out on the other, it would be imprudent to attempt an engagement with two separate armies. Therefore they had better retreat for the present, and determine on some approved plan of fighting after the two forces had coalesced. So they raised the siege of Ajmir, and retiring to a distance of seven kos, encamped near the Koh pukhar.

Muzaffar Khan then went to meet the General, and, conducting him into Ajmir, besought him that he would permit him to remove his people from the fort and lodge the General there. But Salar Sahu would not consent, saying, he had come to his assistance, and it would be very unseemly to turn him and his children out of his fort, and to take up his quarters there himself. So he pitched his tents on the banks of the tank Pukhar,<sup>1</sup> sacred among the unbelievers, and, having taken a few days rest, again put himself in motion by Muzaffar Khan's advice. The enemy also drew up their forces in line, and the flower of both armies joined in battle. The field raged with the conflict for three days, but on the third the breeze of victory began to blow on the side of the General and the unbelievers yielded and fled. The Faithful pursued them to a distance of several parasangs, slew a great number of their officers, took a few prisoners, and then returned. The General took possession of the enemy's camp that day, and having interred such of the Faithful as had been blessed with the honour of martyrdom, and distributed the whole spoil of the unbelievers among the soldiers of his army, he returned the next day towards Ajmir.

He then built a mosque at the gate of the fort of Ajmir, and

<sup>1</sup> [Hind, *poḥhar*, Sans, *puṣṭhara*, a lake.]

annals as well as its pontiffs, as is clear from isolated notices relative to Ardea for instance, Ameria, and Interamna on the Nar, and from the collective mass of these city chronicles some result might perhaps have been attained similar to what has been accomplished for the earlier middle ages by a comparison of the different monastic chronicles. Unfortunately the Romans in later times preferred to supply the defect by Hellenic or Hellenising falsehoods.

Besides these official arrangements, meagre in plan and uncertain in treatment, for the commemoration of past times and past events, there can scarcely have existed at this epoch any other records immediately serviceable for Roman history. Of private chronicles we find no trace. The leading houses, however, were careful to draw up genealogical tables, so important in a legal point of view, and to have the family pedigree painted for a perpetual memorial on the walls of the entrance-hall. These lists, which at least named the magistracies held by the family, not only furnished a basis for family tradition but doubtless at an early period had biographical notices attached to them. The memorial orations, which in Rome could not be omitted at the funeral of any distinguished person, and were ordinarily pronounced by the nearest relative of the deceased, consisted not merely in an enumeration of the virtues and excellences of the dead, but also in a recital of the deeds and virtues of his ancestors, and so they were doubtless, even in the earliest times, transmitted traditionally from one generation to another. Many valuable notices may by this means have been preserved, but many daring perversions and falsifications also were in this way introduced into tradition.

But as the first steps towards writing actual history belonged to this period, to it belonged also the first attempts to record, and to give conventional shape to, the primitive history of Rome. The sources whence it was formed were of course the same as they are everywhere. Isolated names and facts, the kings Numa Pompilius, Ancus Marcius, Tullus Hostilius, the conquest of the Latins by king Tarquinius and the expulsion of the Tarquinian royal house, probably continued to live in a genuine tradition widely diffused and orally transmitted. Further materials were furnished by the traditions of the patrician clans, such as the various stories that relate to the Fabii. Other tales gave a symbolic and historical version of primitive national institutions, especially setting forth with great vividness the origin of rules of law. The sacredness of the walls was thus

make an expedition into Hindustán, and on the same occasion will see our nephew Sálár Mas'úd."

Khwája Hasan Maimandí, who had an hereditary feud with the General of the army, was jealous of the honours and favours bestowed on him by the Sultán; but to what purpose?

Meanwhile, although Sálár Sáhú sought to lead Ráf Ajípál in the right way, he would not cast his lot into the scale of truth; and from excess of worldly-mindedness he did not even desire peace. On the contrary, he encouraged the rebels of the surrounding country, who had taken refuge with him after their flight from Ajmír, to attack the dominions of the Sultán. The General, troubled by anxiety arising from his infatuation, communicated the state of affairs to the Sultán, and, after a few days, Mahmúd took the road to Hindustán with his army. The General Sálár Sáhú, and Muzaffar Khán, went to meet the Sultán with their armies, and conducting him first to Ajmír, displayed Sálár Mas'úd to the fortunate gaze of their royal master, and then presented offerings of money and all kinds of property.

The Sultán bestowed the whole on Sálár Mas'úd, and, during the several days that he remained at Ajmír, he would not let him (Mas'úd) go out of his sight. He then turned towards Kanauj with his army, in rage and indignation, appointing Sálár Sáhú and Muzaffar Khán to the van of the army.

He first came to Mathura, and plundered that nest of idolatry which was a very holy spot among the people of India. After subduing and plundering all the chiefs of the neighbourhood who were reported to be rebellious and factious, he next proceeded against Ráf Ajípál, the King of Kanauj, who did not venture to resist him, but fled, as is detailed in the history called the *Rauzat-us-Safá*, as follows:—

The author of the *Tawárikh-i Mahmúdí* relates that when the Sultán returned to Ghazní after the Indian expedition, Sálár Sáhú, the general, petitioned to be allowed to attend him, but the Sultán said, "The subjugation of this country of Kanauj is your work, my brother, and I have therefore appointed you its governor." When they had reached the neighbourhood of Lahore he presented the General with a dress of honour and sixteen Arab horses, and dis-

to the origin of heaven and earth, at least to the origin of the community, and there is express testimony that the table of the pontifices specified the year of the foundation of Rome. Accordingly it may be assumed that, when the pontifical college in the first half of the fifth century proceeded to substitute for the former scanty records—ordinarily confined to the names of the magistrates—the scheme of a formal yearly chronicle, it also supplied the lack of a beginning by the history of the monarchy and of its abolition, and, by placing the institution of the republic on the day of the consecration of the Capitoline temple, the 13th of September 375, furnished a semblance of connection between the dateless and the annalistic narrative. That in this earliest record of the origin of Rome the hand of Hellenism was at work, can scarcely be doubted. The speculations as to the primitive and subsequent population and as to the priority of pastoral life over agriculture, and the transformation of the man Romulus into the god Quirinus (p. 168), have quite a Greek aspect, and even the obscuring of the genuinely national forms of the pious Numa and the wise Egeria by an admixture of alien elements of Pythagorean primitive wisdom appears by no means to be one of the most recent additions to the Roman pre historic annals.

The pedigrees of the noble clans were completed in a manner analogous to these *origines* of the community, and were, in the favourite style of heraldry, universally traced back to illustrious ancestors. The Aemilii, for instance, Calpurnii, Pinarii, and Pomponii professed to be descended from the four sons of Numa, Mamercus, Calpus, Pinus, and Pompo, and the Aemilii, yet further, from Mamercus, the son of Pythagoras, who was named the "winning speaker" (*αἰμυλος*).

But, notwithstanding the Hellenic reminiscences that are everywhere apparent, these pre historic annals of the community and of the leading houses may be designated at least relatively as national, partly because they originated in Rome, partly because they were primarily intended to form links of connection not between Rome and Greece, but between Rome and Latium.

It was Hellenic story and fiction that undertook the task of connecting Rome and Greece. Hellenic legend exhibits throughout an endeavour to keep pace with the gradual extension of geographical knowledge, and to form a dramatised geography by the aid of its numerous stories of voyagers and emigrants. In this, however, it seldom follows a simple course. An account like that of the earliest Greek historical work which mentions

Kabulíz, reported the matter to the Sultan. As soon as the intelligence reached him, a farman was issued in the name of the General, ordering him to leave half his forces for the protection of the country of Ajmír, and to proceed himself with the other half to Kabulíz, and so to punish the unbelievers, as to make them careful not to rebel again, adding, that he (the Sultan) would go himself, but that he was occupied with important matters.

Kábulíz is situated in the vicinity of Kashmir. It was an important place, and had a very lofty fort. The town was originally in the hands of Ráí Kalichand Fir'auní.<sup>1</sup> He had grown presumptuous on account of the abundance of his wealth and forces, and the extent of his kingdom, therefore, when Sultan Mahmud went on the Kanauj expedition in the year 107, upon his arrival in Kashmir, he took the fort of Ráí Kalichand with the greatest difficulty, and appointed civil officers of his own. The particulars of the siege of the fort, and of the death of Ráí Kalichand with 50,000 of his companions, are related in the *Banawatu s Safa*, but cannot be told in a brief work like the present.

The General of the army having left Mír Saiyid Ibrahim, Muzaffar Khan, and other confidential nobles of his province, to attend upon Salar Mas'ud, proceeded with his train by successive marches to Kabulíz.

The unbelievers assembled in such numbers that the very ground round Kabulíz was black with them. Malik Chhachu, not being strong enough for an open fight, had shut himself up in the fort of Kabulíz, and the unbelievers, having ravaged the province, were on their way home when the General met them, and, offering them battle, fought for three hours. The army of the Faithful was victorious. Innumerable unbelievers were slain, and their army put to flight. Forty officers were taken prisoners, and several thousand men bit the dust. It was a great victory. Salar Sahu wrote his dispatch of victory to the Sultan as soon as he had entered Kábulíz. The Sultan was greatly pleased, and that instant issued a farman under his own hand to this effect, "We bestow the province of Kabulíz, as an ina'm upon our victorious brother, in addition to his jágír, let him make the land his own."

<sup>1</sup> [ Kulchand. —The addition of "Fir'auní" is a blunder. See *supra*, p. 43, and 468.]

The old poet was guided in this view by the feeling that the barbarians of Italy were less widely removed from the Hellenes than other barbarians were, and that the relation between the Hellenes and Italians might, when measured poetically, be conceived as similar to that between the Homeric Achæans and the Trojans. This new Trojan fable soon came to be mixed up with the earlier legend of Odysseus, while it spread at the same time more widely over Italy. According to Hellanicus (who wrote about  $\frac{1}{2}\frac{1}{2}\frac{1}{2}$ ) Odysseus and Aeneas came through the country of the Thracians and Molottians (Epirus) to Italy, where the Trojan women whom they had brought with them burnt the ships, and Aeneas founded the city of Rome and named it after one of these Trojan women. To a similar effect, only with less absurdity, Aristotle ( $\frac{1}{3}\frac{1}{8}\frac{1}{4}$ — $\frac{1}{3}\frac{1}{2}$ ) related that an Achæan squadron cast upon the Latin coast had been set on fire by Trojan female slaves, and that the Latins had originated from the descendants of the Achæans who were thus compelled to remain there and of their Trojan wives. With these tales were next mingled elements from the indigenous legend, the knowledge of which had been diffused as far as Sicily by the active intercourse between Sicily and Italy, at least towards the end of this epoch. In the version of the origin of Rome, which the Sicilian Callias gave about  $\frac{1}{2}\frac{1}{8}\frac{1}{2}$ , the fables of Odysseus, Aeneas, and Romulus were intermingled.<sup>1</sup>

But the person who really completed the conception subsequently current of this Trojan migration was Timæus of Tauromenium in Sicily, who concluded his historical work with  $\frac{1}{2}\frac{1}{2}$ . It is he who represents Aeneas as first founding Lavinium with its shrine of the Trojan Penates, and as thereafter founding Rome; he must also have interwoven the Tyrian princess Elisa or Dido with the legend of Aeneas, for with him Dido is the foundress of Carthage, and Rome and Carthage are said by him to have been built in the same year. These alterations were manifestly suggested by certain accounts that had reached Sicily respecting Latin manners and customs, in conjunction with the critical struggle which at the very time and place where Timæus wrote was preparing between the Romans and the Carthaginians. In the main, however, the story cannot have been derived from Latium, but can only have been the good for

<sup>1</sup> According to his account Romé a woman who had fled from Ilion to Rome married Latinus king of the Aborigines and bore to him three sons Romus, Romylus and Telegonus. The last who undoubtedly emerges here as founder of Tusculum and Praeneste belongs as is well known, to the legend of Odysseus.

to the ground, began to extol him. When they told his mother what had taken place, she wept bitterly to think what a terrible misfortune might have happened, and declared that the unbelievers had attempted to commit this treachery at the instigation of the deceitful Hasan Maimandí. Then calling Sálár Mas'úd into her presence, she clasped him to her bosom, and gave large alms to the poor and wretched as a thank-offering.

The night was passed at that place. In the morning, when it was marching time, Mas'úd besought his mother to stay there that day, as it was a good hunting-ground, and he wanted to enjoy some sport. So they did so.

Sálár Mas'úd, taking with him some thousands of the flower of his young men—angels in form, and reckless in courage—took the road to the town of Rawál,<sup>1</sup> hunting as he went, and sent forward spies to learn what Satúgan was doing. When he had nearly reached the town, the spies brought him word that Satúgan had just completed his ablutions, and was worshipping his idols. Upon hearing which they turned their horses straight towards the town. At the same time, the unbelievers got warning, and turned out to oppose them. But the brave youths, flourishing their swords, hovered on all sides, like moths round a flame; and the unbelievers, unable to withstand them, were routed, and the Faithful scattered their heads in every street.

Having put a great many of them to the sword, they took the reprobate Satúgan alive, and brought him before the prince, who addressed him thus: "Oh, Satúgan, did you not know us, that, in the blackness of your heart, you should try such a vile plot on us." He then ordered that he, with his wife and children, should be bound and carried to the army. He then gave the whole place over to plunder. So they brought Satúgan, with his wife and children, to the camp.

This was the first exploit, and maiden victory, of Sálár Mas'úd. His mother caused psalms of joy to be sung, distributed bountiful alms, and gave horses, dresses of honour, and money to all the soldiers of the prince. At that time Mas'úd was twelve years old.

<sup>1</sup> [Here written "Zawál."]

sunken condition of Hellenic history, as it is to be for our sakes regretted. Theopompus of Chios (who ended his work with 338) barely noticed in passing the capture of Rome by the Celts, and Aristotle (p. 333), Clistarchus (p. 380), Theophrastus (p. 412), Heraclides of Pontus (+ about 300), incidentally mention particular events relating to Rome. It is only with Hieronymus of Cardia, who as the historian of Pyrrhus described also his Italian wars, that Greek historiography becomes an authority for the history of Rome.

Among the sciences, that of jurisprudence acquired an invaluable basis in the committing to writing of the laws of the city in the years 451, 450. This code, known under the name of the Twelve Tables, is perhaps the oldest Roman document that deserves the name of a book. The nucleus of the so-called *leges regiae* was probably not much more recent. These were certain precepts chiefly of a ritual nature, which rested upon traditional usage, and were probably promulgated to the general public under the form of royal enactments by the college of pontifices, which was entitled to point out but not to prescribe the law. Moreover it is probable that from the commencement of this period the more important decrees of the senate—although not those of the people—were regularly recorded in writing, for already in the earliest conflicts between the orders disputes took place as to the mode of their preservation (pp. 273, 284).

While the mass of written laws and documents thus increased, the foundations of jurisprudence in the proper sense were also firmly laid. It was necessary that both the magistrates who were annually changed and the jurymen taken from the people should be enabled to resort to advisers (*auctores*), who were acquainted with the course of law and knew how to suggest a decision accordant with precedents or, in the absence of these, resting on reasonable grounds. The pontifices who were wont to be consulted by the people regarding court-days and on all questions of difficulty and points of ceremony relating to the worship of the gods, delivered also, when asked, counsels and opinions on other points of law, and thus developed in the bosom of their college that tradition which formed the basis of Roman private law, more especially the formulae of action proper for each particular case. A set of formulae which embraced all these actions, along with a calendar which specified the court days, was published to the people about 450 by Appius Claudius or by his clerk, Gnaeus Flavius. This attempt, how-

was most pleasing to the Sultan, though Khwaja Hasan Mumandi dissented from it. After some conversation it was settled that the General of the army should return to Kabuliz, and guard that province against the rebellious unbelievers, leaving Salar Mas'ud with his victorious army, in attendance upon the Sultan. As soon as he had dismissed Salar Sihu, the Sultan set out for Somnat with his victorious host, Mas'ud serving under him in the enterprize with several thousand youths in the flower of their age. They performed many illustrious deeds, and the Sultan showed them increasing favour and kindness.

They first reached Multan, and, when everything was fully prepared, took the road for Somnat. The details of the expedition are thus given in the history called the *Rauzat-u-Sifa*. ○ ○ ○ ○ ○

God bestowed great grace on this king, and his perfections may be understood from the following relation of the author of the *Nafahat*.

When the Sultan Mahmud Subuktigin had gone on the expedition to Somnat, they suggested to Khwaja Abu Muhammad of Chisht, that he ought to go and help him. The Khwaja, though he was seventy years old, set out with some darweshes, and when he arrived made war upon the pagans and idolaters with all his sacred soul. One day the idolaters made a successful assault, and the army of the Faithful, nearly overwhelmed, fled to the Shaikh for protection. Khwaja Abu Muhammad had a disciple in the town of Chisht, Muhammad Kalu by name. He called out "Look, Kalu!" At that moment Kalu was seen fighting with such fury, that the army of the Faithful proved victorious. The unbelievers were routed. At that very time Muhammad Kalu was seen in Chisht, striking upon the wall with a pestle, and when he was asked the reason, he said, "When the Almighty commanded a man of Abu Muhammad of Chisht's exalted piety to go to the assistance of the Sultan, who could stand before him?"

It is related in the *Tarikh-i-Mahmudi* that the Sultan shortly after reached Ghazni, and laid down the image of Somnat at the threshold of the Mosque of Ghazni, so that the Musulmans might tread upon the breast of the idol on their way to and from their devotions. As soon as the unbelievers heard of this, they sent an embassy to

and each was provided with its proper sign, *o* and *u* for which from the first the Oscan alphabet had lacked separate signs and which had been in Latin originally separate but threatened to coalesce, again became distinct, and in Oscan even the *s* was resolved into two signs different in sound and in writing, lastly the writing again came to follow more closely the pronunciation—the *s* for instance among the Romans being in many cases replaced by *r*. Chronological indications point to the fifth century as the period of this reaction, the Latin *g* for instance was not yet in existence about 430, but was so probably about 410, the first of the Papirian clan, who called himself Papirius instead of Papisius, was the consul of 412 the introduction of *r* instead of *s* is attributed to Appius Claudius (censor in 413). Beyond doubt the re-introduction of a more delicate and precise pronunciation was connected with the increasing influence of Greek civilisation, which is observable at this very period in all departments of Italian life and, as the silver coins of Capua and Vols are far more perfect than the contemporary *asses* of Ardea and Rome, writing and language appear also to have been more speedily and fully reduced to rule in the Campanian land than in Latium. How little, notwithstanding the labour bestowed on it, the Roman language and mode of writing had become settled at the close of this epoch is shown by the inscriptions preserved from the end of the fifth century, in which the greatest arbitrariness prevails, particularly as to the insertion or omission of *m*, *d* and *s* in final sounds and of *n* in the body of a word, and as to the distinguishing of the vowels *o* *u* and *e* *i*.<sup>1</sup> It is probable that the contemporary Sabellians were in these points further advanced, while the Umbrians were but slightly affected by the regenerating influence of the Hellenes.

In consequence of this progress of jurisprudence and grammar, elementary instruction also, though it did not now spring up for the first time, must have undergone a certain improvement. As Homer was the oldest Greek, and the Twelve Tables was the

<sup>1</sup> In the two epitaphs of Lucius Decius consul in 436 and of the consul of the same name in 430 *m* and *d* are ordinarily wanting in the termination of cases yet *Iucium* and *Gnauiod* respectively occur once there occur alongside of one another the nominatives *Cornelio, filios cosol cesor* alongside of *consol cesor* *aidiles dedet plourume* (= *plurimi*) *hec* (nominative) alongside of *aidilis cepit quis hic*. Rhotacism is already carried out completely we find *duonoro* (= *donorum*), *plourume* not as in the chant of the Sali *foedusum plusima*. Our surviving inscriptions do not in general precede the age of rhotacism of the earlier usage only isolated traces occur, such as afterwards *honoris labos* alongside of *honor labor* and the similar feminine *praenomina* *Maior* (= *maior*) and *Mino* in recently found epitaphs at Praeneste.

nose and ears of the idols with sandal and the lime eaten with betel nut, and present it to them. The unbelievers were delighted, and smeared themselves with sandal, and eat the betel leaf. After a while they asked for the idol, when Salar Mas'ud said he had given it to them. They inquired, with astonishment, what he meant by saying that they had received the idol? And Malik Nekbakht explained that it was mixed with the sandal and betel lime. Some began to vomit, while others went weeping and lamenting to Khwaja Hasan Maimandî and told him what had occurred.

The Khwaja writhed like a snake, and said, "Verily, the king is demented, since he follows the counsel of a boy of yesterday! I will leave the service of the Sultan for your sakes, and do you also go and attack his country. We will open his Majesty's eyes." Accordingly the unbelievers returned with the news to the Hindu princes. And Khwaja Hasan, from that day, resigned the office of Wazîr, became disaffected, and left off attending to the duties of his office.

Afterwards the image of Somnat was divided into four parts, as is described in the *Tawarikh : Mahmudi*. Mahmud's first exploit is said to have been conquering the Hindu rebels, destroying the forts and the idol temples of the Raj Ajipal (Jajpal), and subduing the country of India. His second, the expedition into Harradawa<sup>1</sup> and Guzerat, the carrying off the idol of Somnat, and dividing it into four pieces, one of which he is reported to have placed on the threshold of the Imperial Palace, while he sent two others to Mecca and Medina respectively. Both these exploits were performed at the suggestion, and by the advice, of the General and Salar Mas'ud, but India was conquered by the efforts of Salar Mas'ud alone, and the idol of Somnat was broken in pieces by his sole advice, as has been related. Salar Sahu was Sultan of the army and General of the forces in Iran. Many of the most illustrious nobles and bravest Turks were of his kindred, and wherever the Sultan led his army and conquered kingdoms, the victory was owing to the exertions and courage of him and his relatives.

The author of the *Tawarikh : Mahmudi* has narrated at length the quarrel between Salar Mas'ud and Hasan Maimandî, and the valour,

<sup>1</sup> [ 'Bhardana, *supra*, page 524 ]

those very days in February, disarranged the intended reform, so that the Februaries of the intercalary years came to be of 24 and 23 days, and thus the new Roman solar year in reality ran to 366½ days. Some remedy for the practical evils resulting from this was found in the practice by which, setting aside the reckoning by calendar months or ten months (p. 211) as now no longer applicable from the inequality in the length of the months, wherever more accurate specifications were required, they reckoned by terms of ten months of a solar year of 365 days, or by the so called ten month year of 304 days. Over and above this, there came early into use in Italy, especially for agricultural purposes, the farmers' calendar based on the Egyptian solar year of 365½ days by Eudoxus (who flourished 388 B.C.).

A higher idea of what the Italians were able to do in these departments is furnished by their works of structural and plastic art, which are closely associated with the mechanical sciences. Here too we do not find phenomena of real originality, but if the impress of borrowing, which the plastic art of Italy bears throughout, diminishes its artistic interest, there gathers around it an historical interest all the more lively, because on the one hand it affords the most remarkable evidences of an international intercourse of which other traces have disappeared, and on the other hand, amidst the well nigh total loss of the history of the non Roman Italians, art is almost the sole surviving index of the life and activity which the different peoples displayed. No novelty is to be reported in this period, but what we have already shown (p. 240) may be illustrated in this period with greater precision and on a broader basis, namely, that the stimulus derived from Greece powerfully affected the Etruscans and Italians on different sides, and called forth among the former a rich and luxurious, among the latter, where it had any influence at all, a more intelligent and genuine, art.

We have already shown how wholly the architecture of all the Italian lands was, even in its earliest period, pervaded by Hellenic elements. Its city walls, its aqueducts, its tombs with pyramidal roofs, and its Tuscanic temple, are not at all, or not materially, different from the oldest Hellenic structures. No trace has been preserved of any advance in architecture among the Etruscans during this period, we find among them neither any really new reception, nor any original creation, unless we ought to reckon as such the magnificent tombs, e.g. the so called tomb of Porsena at Chiusi described by Varro, which vividly recalls the strange and meaningless grandeur of the Egyptian pyramids.

the kingdoms, now in the hands of pagans, out of their hands, will spread the true faith, and cause the *Khutba* to be read in your majesty's name" The Sultan replied, "It is no pleasure to me to deprive myself of you, my child, that I should thus separate myself from you—no, go for a short time to your father, I will send for you ere long" [*Mas'ud departs with his followers*]

The author of the *Taukarikh* : Mahmudi relates that there were, with his own followers and those who joined him, 1,100,000 (*yazdah lak*) men in Mas'ud's army, the home and family of each of whom was at Ghazni

As soon as the General of the army heard of all that had happened, he went with Sitr Mu'alla' in terrible distress from Kabulz to the camp of Salar Mas'ud, and, after embracing him, entreated him with tears to remain with them, but he would by no means consent. Seeing that their child was not to be prevailed upon, they became desirous to go with him. But Mas'ud said, that if they came with him, Hasan Maimandi would certainly persuade the Sultan that they had rebelled, and therefore they had better remain behind. "I have already," said he, "petitioned the Sultan, and now I beseech it of you, to be allowed to travel for one year, after which I will return." At length his parents were obliged to submit. They however sent, with Salar Mas'ud, a fine army and counsellors, many of whom were of his own age, and had been his companions, and they selected the bravest of their kindred among the Tatars of Salar Sahu to accompany him. They also bestowed upon him treasure, horses, and gifts of all kinds. So the General of the army returned towards Kábulz with his consort, weeping and lamenting.

To resume our history. The Prince of Martyrs, adorned with all dignity of body and mind, reached the banks of the river Indus, and immediately ordered boats to be collected. These were brought, after some search, and he commanded Mir Husain Arab, and Amir Bazid Ja far to cross over the river with 50,000 horse, and attack Sahur<sup>1</sup>. They did so, and Raf Arjun, the zamindar of that place,

<sup>1</sup> Shore?

Something the same may be affirmed as true of various subordinate, but not on that account unimportant, performances in this field. They do not lay claim to originality or artistic accomplishment; but the firmly-jointed slabs of the Roman streets, the indestructible highways, the broad hard ringing tiles, the everlasting mortar of their buildings, proclaim the indestructible solidity and the energetic vigour of the Roman character.

Like architectural art, and, if possible, still more completely, the plastic and delineative arts were not so much matured by Grecian stimulus as developed from Greek seeds on Italian soil. We have already observed (p. 237) that these, although only younger sisters of architecture, began to develop themselves at least in Etruria, even during the regal period, but their principal development in Etruria, and still more in Latium, belongs to the present epoch, as is very evident from the fact that in those districts which the Celts and Samnites wrested from the Etruscans in the course of the fourth century there is scarcely a trace of the practice of Etruscan art. The plastic art of the Tuscans applied itself first and chiefly to works in terra cotta, in copper, and in gold—materials which were furnished to the artists by the rich strata of clay, the copper mines, and the commercial intercourse of Etruria. The activity with which moulding in clay was prosecuted is attested by the immense number of bas-reliefs and statuary works in terra-cotta, with which the walls, gables, and roofs of the Etruscan temples were formerly decorated as their still extant ruins show, and by the trade which can be shown to have existed in such articles between Etruria and Latium. Casting in copper occupied no inferior place. Etruscan artists ventured to make colossal statues of bronze fifty feet in height, and Volsinii, the Etruscan Delphi, was said to have

uniformly starts from the square form. The later Roman theology associated this round form with the idea of the terrestrial sphere or of the universe surrounding like a sphere the central sun (*Fest. i. retundam*, p. 282, Plutarch, *Num. 11*, Ovid, *Fast. vi. 267, seq.*) In reality it rests simply on the fact, that the circular shape was recognised as the most convenient and the safest form of a space destined for enclosure and custody. That was the rationale of the round *thesaurus* of the Greeks as well as of the round structure of the Roman store-chamber, or temple of the Penates. It was natural, also, that the fireplace—that is the altar of Vesta—and the fire-chamber—that is, the temple of Vesta—should be constructed of a round form, just as was done with the cistern and the well enclosure (*puteal*). The round style of building in itself was Graeco-Italian as was the square form, and the former was appropriated to the store-place the latter to the dwelling house, but the architectural and religious development of the simple *tholos* into the round temple with pillars and columns was Latin.

thickly peopled, it was subdued without a struggle. Mas'úd was delighted with the climate of Ajúdhan, and as, moreover, it was a good sporting country, he remained there till the end of the following rains, when he set off for Dehli. Rái Mahípál was then king of the city. He had an immense army, and many war elephants, and was, in consequence, overflowing with pride. Sultán Mahmúd and Sílár Sáhú, when they came into Hindustán, conquered Lahore, and made it a city of Islám; but they were unable to attack Dehli, and retired without even attempting it. But now Sílár Mas'úd, lion-like, marched on by successive stages till he reached that city.

The Rái Mahípál led out his army to oppose him. The two forces lay several miles apart; but the young warriors, on either side, used to meet daily and skirmish from morning till night. Thus a month and some days passed away, till Mas'úd, becoming apprehensive of the result, sought help from God. As soon as he had done so, he received the unexpected intelligence that Sílár Saifu-d dín, the Sultánu-s Salátin, Mír Bakhtiyár, Mír Saiyid 'Azízu-d dín, and Malik Wahíu-d dín, five Amirs, were coming from Ghazní to join him with a numerous force. On their arrival joy and delight filled Mas'úd's army. These men, likewise, had left Ghazní on account of the evil conduct of Hasan Maimandí. Saifu-d dín was a younger brother of Mas'úd's father, Mír Bakhtiyár and 'Azízu-d dín were also related to him. Malik Daulat was a servant of Sultán Mahmúd, and Miyán Rajab had been a confidential slave of Sílár Sáhú, who reposed such confidence in him, that he gave him to Mas'úd; and he, as a mark of his favour, had bestowed a jágir upon him. But no sooner had Sílár Mas'úd started on his expedition, than Hasan Maimandí deprived him of it, without informing the Sultán. Miyán Rajab, therefore, followed Mas'úd, who considered him so trustworthy as to appoint him adjutant (Kotwál) of the army.

Khwája Hasan, from his enmity against Mas'úd, had quarrelled with all connected with him, and forced them to leave the country. The fact was, Sultán Mahmúd had become old, and spent his whole time in the society of Malik Ayáz, neglecting the business of the state. So Hasan tyrannized on all sides. However, it is related in the history called *Rauzat-u Safá*, that Mahmúd became at length

Etruscan goldsmiths and clay workers, occupied in supplying a foreign demand. It is true that the Latin temples were not like the Etruscan overloaded with bronze and clay decorations, that the Latin tombs were not like the Etruscan filled with gold ornaments, and their walls shone not, like those of the Tuscan tombs, with paintings of various colours. Nevertheless, on the whole the balance does not incline in favour of the Etruscan nation. The invention of the effigy of Janus, which, like the god himself, may be attributed to the Latins (p. 167), is not unskilful, and is of a more original character than that of any Etruscan work of art. The activity of celebrated Greek masters in Rome is attested by the very ancient temple of Ceres, the sculptor Damophilus, who with Gorgasus prepared the painted terra cotta figures for it, appears to have been no other than Demophilus of Himera, the teacher of Zeuxis (about 450). The most instructive illustrations are furnished by those branches of art in which we are able to form a comparative judgment, partly from ancient testimonies, partly from our own observation. Of Latin works in stone scarcely anything else survives than the stone sarcophagus of the Roman consul Lucius Scipio, wrought at the close of this period in the Doric style, but its noble simplicity puts to shame all similar Etruscan works. Many beautiful bronzes of an antique chaste style of art, particularly helmets, candelabra, and the like articles, have been taken from Etruscan tombs, but which of these works is equal to the bronze she-wolf erected in 496 from the proceeds of fines at the Ruminal fig-tree in the Roman Forum, and still forming the finest ornament of the Capitol? And that the Latin metal founders as little shrank from great enterprises as the Etruscans, is shown by the colossal bronze figure of Jupiter on the Capitol erected by Spurius Carvilius (consul in 461) from the melted equipments of the Samnites, the chisellings of which sufficed to cast the statue of the victor that stood at the foot of the Colossus, this statue of Jupiter was visible even from the Alban Mount. Amongst the cast copper coins by far the finest belong to southern Latium, the Roman and Umbrian are tolerable, the Etruscan almost destitute of any image and often really barbarous. The fresco-paintings, which Gaius Fabius executed in the temple of Health on the Capitol, dedicated in 462, obtained in design and colouring the praise even of connoisseurs trained in Greek art in the Augustan age, and the art enthusiasts of the empire commended the frescoes of Caere, but with still greater emphasis those of Rome, Lanuvium, and

troops from among the people of the country ; Mas'úd at the same time telling him, in the most gracious manner, that he was responsible for the happiness of the inhabitants, and must take every precaution to preserve them from oppression.

He left Dehli on the 16th of the month Ázar, having remained there six months, and led his army against Mírat. The Princes of Mírat had already heard that no one could hope to stand before Mas'úd ; that in whatsoever direction he or his troops turned, they gained the victory. So they were afraid, and sent ambassadors with valuable presents to Mas'úd, acknowledging his supremacy, and offering to be the servants of his slaves ; in fact, submitting entirely to him. Mas'úd was much pleased, and bestowing the kingdom of Mírat upon them, proceeded with all his train towards Kanauj.

When Sultán Mahmúd had ejected Ráf Ajípal from Kanauj, Mas'úd had procured his pardon and re-establishment ; remembering this service, he had already sent an embassy to Mas'úd with most valuable presents. And when the latter had reached Kanauj, and pitched his tents upon the banks of the Ganges, he sent his eldest son to welcome him with the usual gifts. Mas'úd received the son of Ajípal with great respect, and in order to allay all apprehension on the part of his host, determined to accept the gifts. He then presented the prince with a charger and a dress of honour, dismissed him, and ordered his servants to get all things ready as quickly as possible, as he intended to cross the river and enjoy some sport. When they had prepared the boats they came and informed him, and he immediately commanded the army to pass over and encamp on the opposite bank, which they did, Mas'úd accompanying them. Presently came Ráf Ajípal with ten horses to pay his respects. Mas'úd received him with marks of great affection, and, seating him near himself, reassured him in every way. He then presented him with a special dress of honour and those ten horses, and allowed him to depart, requesting him to send supplies for his army, and advising him to take every care of his country, so as to improve his subjects daily.

After that, he marched on in the direction of Satrakh ; and, on the tenth day, reached that city. At that time Satrakh was the

stone and of copper-casting as applied to coins, shows how quickly the spirit of Etruscan art evaporated. Equally instructive are the painted vases, which are found in so enormous numbers in the later Etruscan tombs. Had these come into current use among the Etruscans as early as the metal plates decorated with contouring or the painted terra-cottas, beyond doubt they would have learned to manufacture them at home in considerable quantity, and of a quality at least relatively good, but at the period at which this luxury arose, the power of independent reproduction wholly failed—as the isolated vases provided with Etruscan inscriptions show—and they contented themselves with buying instead of making them.

But even within Etruria there appears a further remarkable distinction in artistic development between the northern and southern districts. It is South Etruria particularly in the districts of Caere, Tarquinii and Volci, that has preserved the great treasures of art which the nation boasted, especially in frescoes, temple decorations, gold ornaments, and painted vases. Northern Etruria is far inferior, no painted tomb, for example, has been found to the north of Chiusi. The most southern Etruscan cities, Veii, Caere, and Tarquinii, were accounted in Roman tradition the primitive and chief seats of Etruscan art, the most northerly town, Volaterrae, with the largest territory of all the Etruscan communities, stood most of all aloof from art. While a Greek semi-culture prevailed in South Etruria, Northern Etruria was marked by the absence of all culture. The causes of this remarkable contrast may be sought partly in differences of race—South Etruria being largely peopled in all probability by non-Etruscan elements (p. 122)—partly in the varying intensity of Hellenic influence, which must have made itself very decidedly felt at Caere in particular. The fact itself admits of no doubt. The more injurious on that account must have been the early subjugation of the southern half of Etruria by the Romans, and the Romanising—which there began very early—of Etruscan art. What Northern Etruria, confined to its own efforts, was able to produce in the way of art, is shown by the copper coins which mainly belong to it.

Let us now turn from Etruria to glance at Latium. The latter, it is true, created no new art, it was reserved for a far later epoch of culture to develop on the basis of the archaic architecture different from the Hellenic, and then to unfold in harmony with that architecture a new style of sculpture and painting. Latin art is nowhere original and often insignificant,

truth of the one God. It is said that Mír Bakhtiyár subdued the Lower country, and advanced as far as Kánúr, where he drank the wine of martyrdom. His holy sepulchre is well known in that place.

Mas'úd then dispatched Amír Hasan 'Arab against Mahúna; Mír Saiyid 'Azizu-d dín, celebrated now as the Lál Pír, against Gopamú and its vicinity; and Malik Fazl against Benares and its neighbourhood. Each of these went away in the direction of their several commands, while Mas'úd himself continued to reside with great magnificence at Satrakh, enjoying the pleasures of the chase.

One day ambassadors arrived from the Princes of Karra and Mánikpúr, bringing two saddles, bridles, and other rare presents, with this message, "This kingdom has belonged to us and our fathers from time immemorial. No Musulmán has ever dwelt here. Our annals relate that the Emperor Alexander, Zû-l karnain, made an expedition against this country, and reached Kanauj; but there he made peace with Rái Kaid, and returned without having crossed the Ganges. Sultán Mahmúd, also, with your father, came as far as Ajmír, Guzerát, and Kanauj, but spared our country. But you, without any respect for the rights of property, establish yourself in a country that does not belong to you. The action is unworthy of a great mind like yours. It is an infinite sorrow to us that you should be the only child in the house of your father, and that he should have no other descendants. Consider, we pray you, the right. Satrakh is a pleasant place; but it is not fitting that you should remain there. We have 90,000 picked soldiers; the princes of the country of Bahrásh and other places will come to our help on every side, and you will find yourself in great difficulties. You had better take the prudent course of retiring of your own free will."

Mas'úd raged at this like a fierce lion, and, compressing his lips, addressed the ambassador thus, "Well is it for thee that thou comest as an ambassador; had any one else addressed such an insolent speech to us, we would have had him torn in pieces. Go, tell thy princes their country belongs to the all-powerful God, who gives it to whom he wills. Think not that we are come only to take a journey. We intend to make our abode here, and, by the

# APPENDIX

## I

### THE PATRICIAN CLAUDII

[THIS paper, which was subjoined to the former English edition of the History as exhibiting the grounds which had induced Dr. Mommsen to modify the views given in that and the earlier German editions regarding Appius Claudius the decemvir and Appius Claudius the censor, may retain a place here as more fully explaining the views now embodied in the text. It was read at the sitting of the Prussian Academy on March 4, 1861, and has since been reprinted among the author's *Römische Forschungen*. I have given it almost entire.—TR.]

The patrician clan of the Claudii, probably one of the *gentes maiores*, played a leading part in the history of Rome for five hundred years. Our object in this inquiry is to arrive at a proper estimate of its political position.

We are accustomed to regard this Claudian *gens* as the very incarnation of the patriciate, and its leaders as the champions of the aristocratic party and of the conservatives in opposition to the plebeians and the democrats, and this view, in fact, already pervades the works which form our authorities. In the little, indeed which we possess belonging to the period of the republic, and particularly in the numerous writings of Cicero there occurs no hint of the kind, for the circumstance that Cicero in one special instance (*ad Fam.* ii 7, 5), when treating of the persons of Appius and Lentulus uses *Appietas* and *Lentulitas* as—what they were—superlative types of the Roman nobility, by no means falls under this category. It is in Livy that we first meet with the view which is now current. At the very beginning of his work the Claudii are introduced as the *familia superbissima ac crudelissima in plebem Romanam* (ii 56), and throughout the first decad whenever an ultra aristocrat is needed, a Claudius appears on the stage. For instance, the very first consul of this name, Appius Claudius consul in 259, is contrasted with the gentle Servilius as *vehementis ingenii vir* (ii 23 *seq.*), and it was no fault of his that on the secession of the plebs to the Sacred Mount the quarrel was not decided by arms (ii 29). The next consul of this *gens*, in 283, vehemently opposes the Publilian law as to the election of the tribunes of the plebs by the tribes, while his colleague—on this occasion a Quinctius—vainly counsels moderation (ii 56). The third consul C. Claudius, in 294, unreasonably obstructs the law for preparing a national code, which

A few days after, Malik Fíroz took three spies of the unbelievers at the passage of the river Saru (Sarjú), and sent them to Satrakh. The servants of Mas'úd recognized two of them as the Brahmans who had brought the saddle filled with sorceries and enchantments, as a present from the Ráis of Karra and Mánikpur to Mas'úd ; and the third as the barber, who had presented the poisoned nail-cutter. Sálár Sáhú ordered them all to be put to death. But Mas'úd wished them to be released, saying, there was nothing to be gained by killing them. Sáhú consented, for his son's sake, to release the two Brahmans, but declared he would never let the barber go. So they immediately put him to death. They then found upon the Brahmans letters from the Ráis of Karra and Mánikpur to the Ráis of the neighbourhood of Bahráich, and read them. The contents were as follows :—"A foreign army is encamped between you and us. Do you draw out your army on your side, while we attack them on ours, and thus we shall destroy the Musulmáns."

Sálár Sáhú was enraged, and instantly sent off two spies to gather intelligence of the Ráis of Karra and Mánikpur. They brought word that the unbelievers were amusing themselves with their sons and daughters in fancied security. The General immediately beat to arms, and started off, leaving Mas'úd in Satrakh. He proceeded that night to the head-quarters of the ill-fated unbelievers, and, dividing his army into two bodies, sent one division against Karra, and the other against Mánikpur. The brave Musulmáns quickly surrounded each place, and the heathen came out to battle ; but the forces of Islám prevailed, and, putting thousands of unbelievers to the sword, they took the two Ráis alive, and brought them before Sálár Sáhú, who put chains about their necks, and dispatched them to Satrakh, writing to Mas'úd that he had sent him some eaters of forbidden food, whom he was to keep with all care. Mas'úd sent them on to Sálár Saifu-d dín at Bahráich. Meanwhile, Sálár Sáhú reduced Karra and Mánikpur, and plunder and slaves to a great amount fell into the hands of the army. He then returned in triumph to Satrakh, leaving Malik 'Abdu-llah in the neighbourhood of Karra, and Mír Kutb Haidar at Mánikpur.

All the princes of Hindustan were alarmed at these doings ; deeming it impossible to cope with the army of Islám, they began

Materials for a revision of their judgment in this respect are not wholly wanting in fact, from the honesty with which Livy reproduces the positive accounts which lay before him, most of the materials of this nature have been preserved by him, while Dionysius with his affectation of critical sagacity has in this instance effaced every trace of the genuine truth.

Among the general characteristics of the Claudian *gens* nothing strikes us so much as the fact, that no notable patrician clan has given to the community so few famous warriors as the Claudian house, although it flourished for so many centuries. Suetonius<sup>1</sup> records among the honours of the clan six triumphs and two ovations, of the former four can be pointed out with certainty, viz. that of Appius Crassus over the Picentes in 486, that of Gaius Nero over Hasdrubal in 547, that of Gaius Pulcher over the Istrians and Ligurians in 577, and that of Appius Pulcher over the Salassi in 611, of the latter one, viz. that of Appius over the Celtiberians in 580, the missing triumph or missing ovation was perhaps that of the dictator in 392. But, as is well known, there was not among the Romans one general in ten triumphators, and of the triumphs just named one alone commemorated an important military success—the gain of the battle of Sena by the two consuls M. Livius and C. Nero, the latter moreover, belonged to a collateral branch of the patrician house little spoken of in the republican period, the Claudii Nerones. Among the Claudii proper there is not a single soldier of note, and it can be proved that the most important of them did not owe their reputation to their services in the field. How far different was the case with the noble houses of equal standing with the Claudii, such as Fabii, Aemilii, Corneli!

On the other hand, no *gens* of the Roman nobility displayed so much activity in science and literature from the earliest times as the Claudian house. From the decemvir Appius Claudius proceeded, as is well known, the Roman code of law, which, as the oldest Roman book, as modelled after the laws of Solon, and as including the earliest calendar that was publicly promulgated, exercised in a literary and scientific point of view the deepest and most permanent influence. To the achievements of the censor Appius Claudius in this respect we shall return. Even in subsequent times, when culture was general, there are various evidences that the patrician Claudii continued to have at heart the interests of science. I may refer to the different aedileships of men of this *gens*, which form epochs in the history of the theatre; to the adept in the Greek mysticism who was contemporary with Cicero, Appius Claudius consul in 700, and his Eleusinian Propylaeum, the votive inscription of which has been recently found;<sup>2</sup> and to the emperors Tiberius and Claudius, both of whom cherished a deeper interest in philology and archaeology than is common with princely dilettanti.

It will be allowed that neither of these observations tells exactly in favour of the current view of the Claudian family. The aristo-

<sup>1</sup> Tib. 1. *Patricia gens Claudia—duodeviginti consulatus, dictaturas quinque, censuras septem, triumphos sex (or septem), duas ovationes adepti est.*

<sup>2</sup> *Corp. Inscr. Lat.* I. n. 619.

The contents were as follows: "On the 15th of the month of Shawwál, of the year 423, Sálár Sáhú was taken with a pain in the head. He said, 'My time is come at last;' and ordered us to bury him in Satrakh. And on the 25th of the same month he went his last journey, obeying the will of the Almighty." Mas'úd wept bitterly at this heartrending intelligence. He was quite beside himself, and, uttering loud lamentations, covered his garments with earth. After a time, recovering some degree of composure, he called to mind Hasan Maimandí, accusing him as the cause of all his misfortunes. "My honoured mother," said he, "died at Kábuliz; and my honoured father has met his death at Satrakh. Now I know what it is to be an orphan." • • •

An ambassador arrived at the court of Mas'úd from the Ráis of the country round Bahráich, Malik Haidar introduced him to the presence, and he presented the despatch that he had brought. The unbelievers, in their pride, had written as follows: "You come from the Upper Country (*mulk-i bálá dast*), and know nothing of these parts. This is the land of nobles; never shall inhabitants of the Upper Country remain here. Think more wisely on this matter." Mas'úd demanded of the ambassador how many Ráis were banded together, and what were their names? He detailed the names of each one as follows: "Rái Ráib, Rái Sáib, Rái Arjun, Rái Bhikan, Rái Kanak, Rái Kalyán, Rái Makrú, Rái Sakrú, Rái Karan, Rái Bírbal, Rái Jai-pál, Rái Sripál, Rái Harpál, Rái Harkú, Rái Prabhubú, Deb Nárayan, and Narsing, are there with 2,000,000 cavalry, and 3,000,000 infantry."<sup>1</sup> Mas'úd would not send a written answer; but dismissing the messenger, dispatched with him Malik Nekdil, with seven attendants, to answer the Ráis in person, his real object being to discover the actual amount of their force.

When Malik Nekdil arrived, one went in and told the chiefs, who assembled together, and, calling Malik before them, inquired what message he had brought from Sílár Mas'úd. Malik Nekdil replied, "My master bids me say, hearing of the nature of this country, I came to enjoy the pleasures of the chase. It is a waste, a barren wilderness. Do you agree upon conditions with me? Let us settle the matter like brothers, and I will settle the country."

<sup>1</sup> [See]

the public law to writing was a measure directed against the patrician magistrates and consequently against the patrician government itself. Moreover, it is no less certain that the decemvirs were not all patricians. For, if there is anything good and reliable in what has been handed down to us the list of magistrates is so; and we know also the patrician clans sufficiently to be certain that, while the decemvirs first nominated were all patricians of those elected in 304 at least the three described by Dionysius (x 58) as plebeian and probably two others—or, in other words one half—were plebeians. The circumstance that Livy in his narrative itself says nothing of the quality of the members of this college and afterwards in a speech (iv 3) calls all the decemvirs patricians is of no moment. Niebuhr, who did not fail to see the conclusive force of the evidence in favour of the plebeian character of a portion of the second decemvirs supposed (and Schwegler assents to his view) that the first and second decemvirate were different in kind—the former being an extraordinary legislative commission, the latter a college of archons organised as a permanent institution and composed of both orders. But this hypothesis is opposed to all tradition, as well as to all probability, the two sets of magistrates occurring in so close succession, both occupied with the preparation of the legal code, and both comprehended under the same title *decemviri consulari imperio legibus scribundis* in the roll of magistrates must have been in constitutional law homogeneous. Consequently nothing remains but the hypothesis that the decemvirate stood open from the first to both orders, and this view is necessarily demanded by the analogy of the military tribunate *consulari potestate*. For the essential features—the substitution of a larger number of magistrates for the pair and the assigning to these magistrates not the title and rank of consul with the relative honours (right to celebrate a triumph and to carry images of ancestors), but only delegated consular power—are common to the military tribunate and the decemvirate, and, as the military tribunate was notoriously organised in this way just in order to make the supreme magistracy, but not the highest honours of that magistracy, accessible to the plebeians, the decemvirate cannot well be conceived otherwise than common from the first to both orders. The fact that the first college consisted exclusively of patricians is not inconsistent with this hypothesis but agreeable to all analogy, the military tribunate in like manner, although always common in law, remained practically for many years in the hands of the patricians. Lastly, Livy himself narrates the course of the matter as if the plebs had demanded at first a commission composed of plebeians and then one in which the two orders were to be mixed (iii 9 5, iii 31, 7 *plebs leges*) and yet the ten commissioners were at last chosen from the patricians *placet creari decemviros—admixcerenturque plebei, controversia aliquamdiu fuit, postremo concessum patribus, modo ne lex Icilia de Aventino aliaque sacrae leges abrogarentur* (iii 31). It is easy to see how the older view has here been not really altered, but merely obscured by the omission of the circumstance that the plebeians carried their demand for the appointment of a mixed magistracy. What was true of the election, viz, that patricians

himself charged from the centre. Several thousand unbelievers were killed, and the soldiers of Islam, too, tasted the wine of martyrdom. But at length the unbelievers were driven to the last extremity and fled. Two chiefs were taken prisoners, and the victory was complete. The Musulmans pursued their foes for several kos, and took much plunder in horses and baggage.

Mas'ud remained encamped on the spot for a week, burying the soldiers who had attained martyrdom, and reading the *fatihā* for their pure souls. On the eighth day he returned towards Bahraich. As the weather was warm, and he had come a long journey, he rested for some time under a mahua tree on the bank of Surajkund, at which time he said, "The shade of this tree is very refreshing, and this spot is pleasing to me. It would be well to plant a garden here like those found in our own country. Here will I often come, till the crowds of unbelievers, and the darkness of unbelief, be removed from hence. Until this place be cleansed from idolatry, it is impossible for the futh of Islam to spread in the land of India. If it please God, I will, through the power of the spiritual Sun, destroy the worship of the material." He passed orders then and there that the ground should be levelled, and all the old trees cut down and removed quickly, with the exception of the mahua tree under which he was standing. He left Miyan Rajab Kotwal to perform this service, and departed with his train for Bahraich by regular stages. From that time he was frequent in religious duties, occasionally, only to satisfy his chiefs and ministers, he would go into the council chamber, and sometimes into his ladies' apartments.

In three or four days Miyan Rajab rooted up all the old trees, and cleared about an hundred bigahs or more of ground around Suraj kund. He then reported his proceedings to Salar Mas'ud, and besought further orders. The Prince made an excursion that way, and, summoning the pioneers who had accompanied his troops from his own country, ordered them to lay out the grounds in parterres and walls after the manner of their native land. He also commanded Miyan Rajab to send people in all directions to collect all manner of trees, one of each kind, for the garden. Such diligence was used, that in a very short time it was completed. He

trophe The oldest annals, written in a patrician spirit, showed at this point—when they were compelled to relate the momentous victory of the plebs over the nobility—by an instructive example, what fruit the people themselves derived from such a success of the popular party, how every demagogue naturally turns into a tyrant, how the honest plebeian who had helped to place Appius in the judgment seat, himself suffered most at the hands of the judge, and how the plebs, thoroughly cured of its blindness by such consequences of its own act, took up arms against the self-constituted tyrant was brought back by its true aristocratic protectors, the Valerii and Horatii to that old constitution which could alone give happiness and at length received from them as a free gift the real prize for which the plebs had contended but which the demagogues who had turned tyrants had neglected to confer—the completion of the legal code This no doubt is not history but it approaches nearer to the reality than the well written but ill-concocted *epideixis* of Livy

Respecting Appius Claudius Caecus censor in 442 consul in 447 and 458, the accounts are both more trustworthy and more copious Niebuhr has already formed a judgment substantially correct regarding him and I have in my *History of Rome* given a short sketch of him in the main outlines of which I have no occasion to make any change although, in consequence of my not then possessing an insight into the very peculiar character of the traditional accounts of the Claudii there are various misapprehensions in the details He was not only no representative of conservative tendencies but a decided revolutionist, although he employed the forms and handles furnished by the constitution for the purpose of overthrowing it Let us briefly review the accounts handed down in regard to him First of all, the story of his blindness has perhaps arisen solely from the misunderstanding of a surname That the current story, which represents him as struck with blindness by Hercules on account of a sacrilegious offence committed in his censorship of 442, is absurd in reference to a man who was twice afterwards consul, has long been seen, and it is also evident that the version of Diodorus (xx 10), according to which he feigned himself blind in order that he might have a suitable pretext for keeping aloof from the senate which was hostile to him, is simply a second absurdity which has arisen out of a perception of the first The view now usually adopted, that Appius had grown blind in his old age is inconsistent with the Capitoline Fasti which already under 442 register him as *Ap Claudius C f Ap n Caecus* *scilicet*, as they distinctly specify surnames acquired after entering on office as such (recording, for instance in the very case of his colleague *C Plautius C f C n qui in hoc honore Venox appellatus est*) their compilers appear to have regarded *Caecus* as a simple cognomen and the fact of his being blind at all is thus rendered doubtful It is possible, indeed that they may either have fallen into an error or may have wished in this way to avoid those absurdities of the older annals, and that the current hypothesis may still be the truth, certainty is not on such a question to be attained

Of the martial deeds of Appius there is little to tell Although

Prince boldly replied, "Through the grace of God, my steps have not yet turned back, and by His assistance, they shall not do so now. The country is God's, and the property of him on whom He bestows it. Who gave it to your fathers and ancestors?" The messengers, returning, informed the Rajs of all that had passed, which caused them to exclaim, "Truly this boy answers boldly, he knows not fear."

The Prince of Martyrs told Malik Haidar to summon Salár Saifu d din, Amir Nasru lla, Amir Khizr, Amir Sayid Ibrahim, Najmu l mulk, Zahiru l mulk, 'Umdatul mulk, and Miyan Rajab. He did so, and after Mas'ud had consulted with them it was agreed that, rather than allow the unbelievers to attack them, they had better take the offensive, and thus, with God's help, they might hope to conquer.

The next day they were preparing, when news arrived that the enemy were driving off the cattle. The Prince sprang up like an angry lion, and beat to arms, buckling on his armour and mounting his horse, he himself put his troops into battle array, and advanced to the attack. The enemy also made ready, and, fixing the prongs in the earth, stood with their fireworks ready for use. The noble Turks rode fearlessly to the attack, and numbers of them were put to death by means of the prongs and fireworks. Still the fight waxed hotter, and many of the unbelievers were put to the sword. When Mas'ud heard what had happened, he left the vanguard to attack the enemy on another side, while he himself took them in flank. They fought courageously, and great numbers were killed on both sides. At length the unbelievers were forced to fly. Mas'ud remained on the field of battle, while some of the nobles led the pursuit, and, after plundering the army of the unbelievers, returned to the presence. The Prince then left the field, and, encamping on the banks of the Kahsala, ordered them to number the army, and report to him how many were missing. They found that but two thirds remained, one third having tasted the wine of martyrdom. ○ ○

When he went to visit his garden, he would sit under the mahua tree where they had built a fine large platform. The tree was close to the Suraj kund, with the idol Balarukh on its banks,

public slaves, and the ejection of the guild of *libicines* from the temple of Jupiter, which in the following year led to the well-known quarrel so happily ended by the jocose diplomatic intervention of the Tiburtines and the yielding of the senate.

The conversion of the burgess-qualification hitherto in force from landed property into a money-rating was materially modified by the successor of Appius in the censorship, the great Quintus Fabius; but enough of his innovations remained both as regards the *comitia tributa* and the *comitia centuriata*, but more especially the latter, to associate the censorship of Appius with perhaps the most material constitutional change which ever took place in republican Rome. The nomination of sons of freedmen as senators, the omission to purge the senatorial and equestrian rolls of disreputable and infamous individuals, and the election, at the suggestion of Appius, of his clerk Cn. Flavius the son of a freedman to a curule office, the spending of the moneys accumulated in the treasury, without the previous sanction of the senate, on magnificent structures called—a thing hitherto unheard of—after the builder's name, the Appian aqueduct and the Appian highway, lastly, his prolongation of the censorship beyond the legal term of eighteen months, are each and all measures diametrically opposed to Roman conservatism and to Roman reverence for the constitution and for use and wont, and belonging to the most advanced demagogism—measures which savour more of Cleisthenes and Pericles than of a statesman of the Roman commonwealth. "Such a character," Niebuhr aptly remarks, "would not surprise us in the history of Greece, in that of Rome it appears very strange." It is not my intention at present to do more than merely to indicate these several undertakings of Appius, which in general are sufficiently well known, and which could not be adequately estimated without lengthened and minute explanation. I shall only advert to a general opinion regarding the character of his proceedings in the censorship, and to an isolated notice which has not hitherto been correctly apprehended. The opinion to which I refer is that of Fabius, preserved by Diodorus (xx. 36). He says under the year 444-5, "One of the censors of this year, Appius Claudius, on whom his colleague was entirely dependent, disturbed many matters of use and wont, for, gratifying the multitude, he troubled himself little about the senate." The notice to which I refer occurs in Suetonius (*Tib* 2). In enumerating the injuries done by the Claudii to the commonwealth, he says, *Claudius Drusus, statua sibi diademata ad Appi Forum posita, Italiam per clientelas occupare temptavit*. According to the order in which this statement occurs, it falls between the decemvirate and the first Punic war. It has at all times and very justly, excited extreme suspicion, few perhaps will be inclined with Niebuhr to hold it, simply as it stands, as historical, and to see in this Claudius Drusus an otherwise totally unknown tyrant of Italy. The name in fact is demonstrably corrupt, not only because *Claudius Drusus* do not occur elsewhere, but more especially because Suetonius after discussing the paternal ancestors of the emperor Tiberius passes on to the maternal and treats minutely of the *Livii Drusi* and of the origin of that cognomen. He could not but have noticed so singular

of that which is hidden You I commit to God Do you take the road to the Upper Country and depart. If any one desires martyrdom, purely for the love of the Almighty, let him remain with me, but, God knows that, with perfect free will, I gave you leave to depart" Having spoken thus, he wept. Who could be so stony-hearted and ill starved, as to leave him at such a time? The people wept with one voice, and began to say, "If we had a thousand lives we would spend them for thee What is one life worth, that for its sake we should deprive ourselves of thy presence?" Praise be to God! It was like the day of judgment, or even more solemn

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It was on the 18th day of the month Rajab 1 muryyab, in the year 121, at early dawn, that the army of the unbelievers approached the advanced guard ○ ○ ○ Masud marched towards the army of the unbelievers, as soon as he reached the outskirts of the city, he drew up his forces in order of battle, and disposing them on the two wings and before and behind him, he continued his march ○ ○ ○ The Prince of Martyrs according to his usual custom, went and stood under his favourite tree, while his forces prepared for the fight, which raged furiously from morning till the time of evening prayer Thousands upon thousands fell on both sides but victory declared for neither

All night the two armies remained on the field, and at dawn of day the drums again beat to arms The Musulman youth advanced fearlessly to the charge, desiring nothing so much as martyrdom such was their longing for union with God Perfect is the love of the moth, it cares for nothing but to burn

The army of the enemy was innumerable, like mountains on every side, so that although numerous forces fought in the army of Islam they were mown down like so much grass Many of the greatest nobles met their deaths In the course of that day from morning till evening prayer, two thirds of the army were slain, leaving but one third to mourn their loss Still, through the power of the love of God none thought of flight When the Prince heard that Salar Sufu d dīn had sealed his faith with his blood, and that such a noble or general had been slain, he rejoiced and praised God that they had attained their chief desire, declaring that he would not

with the plebs" (ix 29, 33), as because all his palpably demagogic measures are passed over in silence—a silence which is the more evidently intentional, seeing that the most important of these, the enrolment of persons who had no landed property in the tribes is afterwards mentioned incidentally under the censorship of Fabius (x. 7). It is no less remarkable that Livy (x. 15) represents Appius Caecus as again heading the opposition to the Ogulnian law of 454, which abolished the last substantial privilege of the patricians as respected the great priestly colleges; and here, at the close of the whole strife between the orders, once more contrasts him as the incarnation of patricianism with the figure of the pure plebeian hero Decius Mus. Nor is this even enough. At the consular elections for 458 the same Appius is said to have attempted unconstitutionally to bring in a second patrician, Q. Fabius Rullianus as consul along with himself, and the project is said to have been thwarted solely by the loyal magnanimity of the said Fabius (x. 15). A different, but analogous story is given by Cicero (*Brut* 14, 55); according to which Caecus in the capacity of interrex presiding at the elections (he filled this office according to Livy, x. 11, in 455—on which occasion, however, as the first interrex he could not have conducted the election—and according to his *elogium* on two other occasions unknown to us) is said to have rejected the votes given for a plebeian consular candidate, and thus to have led the tribune of the people, M. Curius, to propose a further restriction of patrician privileges. That these evidently kindred stories are highly incredible, is plain to every one conversant with the matter, how is it possible that, at a time when the patricians had been divested almost without resistance of the last privileges of their order, and when the plebeians had had their title to share in the consulship not only constitutionally secured ever since men could remember, but also long confirmed by usage, the idea of such a restoration should have entered the mind of a mature statesman? And these accounts, in themselves more than suspicious, are coupled with the names of men than whom none could have been selected more unsuitable. The crazy patrician who brings forward those preposterous projects, is no other than the censorial demagogue Appius Caecus who was for good reasons at bitterest feud with the ruling conservative party, and the person, whom he unconstitutionally selects as his colleague for 458, is no other than Fabius Rullianus, who had checked the unbounded demagogism of Appius on succeeding him in the censorship. We might be disposed to recognise in this one of those singular political conversions which have occurred at various epochs in the history of the world. But, as abrupt transition from one party-extreme to another and renegade arrogance have at no time been regarded as specially honourable, and as so much is said about Caecus more especially in the way of censure, such a change of sides, which must have produced the greatest sensation, would certainly have been prominently noticed in the accounts. But we nowhere meet with any hint of the sort. On the contrary, we have seen even the censorship of Appius, clearly as it bears on the face of it the stamp of demagogism, divested as far as possible of any such character in the narrative of Livy. To this

arm of the Prince of the Faithful. His sun-like countenance became pale as the new moon. Repeating the text in praise of martyrdom, he dismounted. Sikandar Dīwānī, and the other servants of that loved-one of God, carried him to the shade of the mahúa tree, and laid him down upon a couch. Sikandar Dīwānī, taking his honoured head upon his lap, sat looking towards Mecca, weeping bitterly. The Prince of Martyrs opened his eyes but once, then drew a sigh, and committed his soul to God. ○ ○ ○ ○

A sound of woe and lamentation broke from the people; they wept aloud, and, brandishing their swords, rushed upon the army of the unbelievers, and gave up their lives, while the enemy kept their ranks and showered their arrows. By the time of evening prayer not one was left. All the servants of Mas'ūd lay scattered like stars around that moon. Sikandar Dīwānī, who sat holding the honoured head of the Prince of Martyrs upon his lap, received several wounds in the breast; but such was the love he bore to that loved-one of the Lord of the Universe, that he never moved his knees from under his head, and yielded his life in his service.

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Before the author of this work had read the history of which he has spoken; he used often, by order of the Emperor Nūru-d dīn Muḥammad Jahāngīr, to go into the north country at the foot of the mountains. Achārj Malī Bhadur, who was the representative of the Rāja of the Hills, once came that way to meet me, and we chanced to speak of the Prince of Martyrs. That Brahman, who was perfectly versed in the works of Hindu historians, related to me, at length, from his own histories, the account of Mas'ūd's expedition, from the time he came into India till his death; and all the wars he waged with the unbelievers. Moreover, he told me, that after Rāī Sahar Deo had slain the Prince of Martyrs, he returned to his tent, where the Prince appeared to him in a vision, saying, "Thou hast slain me—dost think to escape? This is not manly." Stung by this reproach, Sahar Deo came to the field of battle the following morning and was killed, as has been related. Some years after, the *Tawārīkh* of Mulla Muḥammad of Ghaznī fell into my hands. I found all that the Brahman had related to me from the Indian histories corroborated there. The Brahman affirms

448 u.c.—Livy:—*Cum Carthaginiensibus eodem anno fœdus tertio renovatum legatisque eorum, qui ad id venerant, comiter munera missa.*

475 u.c.—Livy:—*Cum Carthaginiensibus quarto fœdus renovatum est.* This treaty is indisputably the third of Polybius.

The inconsistency between Polybius on the one hand and Fabius on the other is manifest. The former too says expressly that even in his time the oldest men, and those most cognizant of public matters in Rome and in Carthage, were unacquainted with these documents,<sup>3</sup> and, as on that account he excuses Philinus for having remained ignorant of them, he must have held a similar view regarding the expression of Fabius, that the treaty of 406 was the first treaty between Rome and Carthage. On the other hand Polybius by no means says—what he has often been made to say—that he had himself discovered the documents and that no one had made use of them before him. On the contrary, it is probable that they came to light on occasion of the endless diplomatic negotiations which preceded the third Punic war, and that it then became apparent that they were unknown to the leading statesmen in the Roman and Carthaginian senates. Perhaps they were brought to light by Cato, who had sufficient inducement to search for them in the Roman archives, and who, when he charged the Carthaginians with having six times before 536 broken their compacts with Rome,<sup>4</sup> must have taken some trouble to ascertain the contents of the earlier treaties. Polybius either gained his knowledge of them from the oral communications of Cato or of some third person, or—as there is nothing to prevent us from assuming—derived them from Cato's historical work. Livy follows, as he so often does, different authorities—as to 406 Fabius, as to 448 and 475 an authority agreeing with Polybius.<sup>5</sup>

The position of the testimony therefore is this: the one party reckons the treaties of 245, 448, 475, as first, third, and fourth, the other reckons that of 406 as the first, and therefore, beyond doubt, those of 448 and 475 as the second and third. In the first place,

<sup>1</sup> ix. 43.

<sup>2</sup> Ep. 13.

<sup>3</sup> *iii. 26, 2 ταῦτα—καθ' ἡμᾶς ἔτι καὶ Ῥωμαίων καὶ Καρχηδονίων οἱ πρεσβύτατοι καὶ μάλιστα δοκοῦντες περὶ τὰ κοινὰ σπουδάζειν ἡγρόν.*

<sup>4</sup> Cato, *Orig. l. iv. ap. Nonium, v. duodevicesimo*, p. 100 M. *Deinde duodevicesimo (rather duotvicesimo) anno post dimissum bellum, quod qual' nor et viginti annos fuit, Carthaginiensis sextum de foedere decernere (rather decedere).* The fifth breach of the peace was probably constituted in his view by the occurrences which led to the cessation of *Seculus* in 517, the fourth by the declaration of war in 490, the third by the attempt on Tarentum in 482. The first two I know no means of determining. In reference to the number and order of the treaties—to throw light on which the passage has often been employed—nothing is deducible from it.

<sup>5</sup> The proposal to harmonise the statements of Livy by counting the diplomatic congratulations of the Carthaginians in 411 (*Liv. vii. 43*) as a second treaty, simply substitutes one piece of negligence for another, because Livy ought to have said this, had he meant it. It is, moreover, highly improper, when an inconsistency between Fabius and Polybius is established, to explain away the traces of the same inconsistency in Livy.

chief of holy men, Mu'nu d din of Chisht, came into India, and became a martyr. Rather more than two centuries intervened between the two. The date of Mas'ud's death has been mentioned already, Khwaja Mu'nu-d din died on the 6th of the month of Rajab, in the year 632. He lived 170 years. God knows the truth.

[NOTE.—The following identifications of places mentioned in the foregoing Extract have been kindly supplied by General Cunningham, who visited the locality on his Archaeological survey in 1862-3. Satrakh, which is placed at ten days' march on the opposite side of the Ganges from Kanauj, is probably the same as Vesakh or Besakh, a name of Sahet or Ayodhya (Oudh), Saddhâr and Amethi must be Bhadâr and Amethi, two towns between Karra Mânîpur. The Sûraj kund, with the idol temple and mahû tree, is probably at Asokpur, between Ayodhya and Gonda (or Gauda). According to local report, Mas'ud's sister's son Hâtula was killed at Asokpur, and a small tomb there is said to mark the spot, though he was buried a few miles E S E of Bahraich. At Asokpur there is a mound which has a mahû tree upon it, and a tank at its foot, which is probably the Sûraj kund. The name of Sâhar Deo, who is represented as the chief of Mas'ud's antagonists, still survives in the varying forms of Suhâl Dhav, Sohâl Dal, and Sohâl Deo. According to Buchanan Hamilton (ii 380), this neighbourhood was selected by the Nawab Wazir of Oudh as a favourable spot for a garden.—See *Archæological Report* for 1862-3.]

## NOTE II

### *Sultan Jalâlu d dîn Mankburnî*

As the expedition of Jalâlu d dîn Mankburnî<sup>1</sup>, the Sultan of Khwarizm, into Hindustan is among the most interesting of the many romantic adventures of his remarkable reign, I will add below various extracts from Oriental authors, who have treated of it in a manner somewhat different from the *Jahan kushâ*.

The European reader may obtain full information on the subject of this expedition from consulting Abu l Feda, *Annales Muslemes*, Vol iv p 382, Abu l Faraj, 293, M. Petit de la Croix, *Histoire de Genghizcan*, ch xxxiv, D'Herbelot, *Bibliothèque Orientale*, Art "Gela-leddin," De Guignes, *Histoire Générale des Huns*, Tom ii p 280-1, Hammer, *Gemaldesaal der Lebensbeschreibungen*, Vol vi pp 188-193, Col Miles, *Shajrat ul Atrak*, pp 166-180, Price, *Retrospect of Mahom-*

<sup>1</sup> So Hammer distinctly enjoins that we should write the word, and not either Mankburni or Minkburni, and yet the inscription on this potentate's coins transposes the two last letters, making the word Mankburin. See *Gemaldesaal*, Pref p xiv, and Vol vi p 187, and E. Thomas, *Journal R. A. S.*, No xvii p 383.

fables as converted into history because he has placed them on record. Historical criticism must therefore place the first treaty between Rome and Carthage in 406, and the two following, accordingly, in 448 and 475. It follows that no proof can be drawn from the statement of Polybius in favour of the historical character of the pair of consuls marking the year at the head of our list while conversely, after their unhistorical character has been otherwise demonstrated, the Polybian date necessarily falls with them.

ing the right to a particular horse,<sup>1</sup> the latter struck Aghrak on the head with a whip.<sup>2</sup> The king called upon Amin Malik to give an explanation of his conduct, but he replied that Kankali's<sup>3</sup> troops would not submit to be questioned. Upon learning this, Safu d din deserted the Sultan under cover of night, and went off with his troops to the hills of Kirman and Sankuran.<sup>4</sup> The desertion of Safu d din Aghrak materially affected the power of the Sultan and diminished his chance of success. He resolved to cross the Indus, and make towards Ghazni, and for that purpose he ordered boats to be got ready.

"This circumstance coming to the knowledge of Changiz Khan, he hastened in pursuit of the Sultan, and surrounded him. At day break, the Sultan found himself in a position between water and fire, the Indus on one side, and the fiery enemy on the other. He prepared to give battle, but was maimed like a fierce lion in the claws of a leopard. The victorious army of the Sovereign of the World (Changiz Khan) fell upon the right wing commanded by Amin Malik, and drove it back with great slaughter. Amin Malik being thus defeated, fled towards Pershawar, but the Moghal army had got possession of the road, and he was slain, in the midst of them. Changiz Khan compelled the left wing also to give way, but the Sultan firmly maintained his ground in the centre with seven hundred men, and opposed the enemy from the morning to mid day, moving now to right now to left, sustaining every attack, and on each occasion slaying a number of the enemy. Meantime the army of Changiz Khan came pressing forward, and crowding upon the position occupied by the Sultan. At last Ajash Malik, son of the king's maternal uncle, seeing all was lost, seized the bridle of the Sultan's charger, and led him from the field. The Sultan bade adieu to his sons and the ladies of his household with a burning heart and

<sup>1</sup> Most of the authorities specify an Arab horse

<sup>2</sup> The *Turikh : Alf* concurs in this statement, and it is adopted by D Ohsson, D Herbelot, and Rampoldi

<sup>3</sup> The Kankali was a Turkish tribe. The name signifies "invention," and the tribe is said to have been so designated from their ingenuity in constructing carriages upon a certain occasion — *Shayratu l Atrak*, p 35 [The MS of the E I Library reads

' Kalmak ]

<sup>4</sup> The *Turikh : Alf* mentions only Kirman



The Sultán attacked them with one hundred and twenty men, put a number of them to the sword, and equipped his followers with the arms taken from the vanquished. When the report of the strength and improved circumstances of the Sultán was spread throughout India, a number of men from the hills of Balála<sup>1</sup> and Nakála assembled, and in a body of about five or six thousand horse, attacked the Sultán, who, drawing up in array five hundred horse, dispersed them. The Sultán afterwards received aid from several individuals and bodies of men, so that there now flocked round his standard not less than three or four thousand men. Intelligence of this gathering came to the knowledge of the world-conquering king (*i. e.*, Changíz Khán) while he was within the limits of the Ghaznín territory, and he sent troops to oppose him. When this force crossed the river, the Sultán was not able to cope with it, and he therefore passed on as a fugitive towards Dehli.

“The Moghals, on hearing that the Sultán had proceeded towards Dehli, returned, and pillaged the confines of Ghor. The Sultán, on reaching the vicinity of Dehli, deputed messengers to King Shamsu-d dín to communicate his arrival, and to prefer a request to reside temporarily in some village near Dehli. The King killed the ambassador, deputed a messenger on his part with presents to the Sultán, but objected to comply with his demand for a place of residence, on the pretext that the climate of the neighbourhood would not suit the constitution of the Sultán. On receiving this reply, the Sultán returned to Balála and Nakála. Those who had effected their escape joined him, and he had now about ten thousand men under him. He deputed Tájú-d dín Malik Khilj, accompanied by a force, to Rái Kokár<sup>2</sup> Saknín, in the hills of Júdí, with a request for the hand of his daughter, which request Rái Kokár complied with, and sent his son with a number of troops to wait upon him. The Sultán gave the

<sup>1</sup> All who record these events concur in reading the first word ‘as Balála. The second may be either Bankála or Manhála. The *Turikh-i Alfi* adds “in the vicinity (*naudhí*) of Lahore.”

<sup>2</sup> Probably the same as the Rái Sarkí spoken of in the *Tdju-i Ma-dsir* (*supra*, p. 233) twenty years before. Rái Kokar may mean something more than chief of the Gakkhurs. S. Binning says “Khokar was formerly in possession of a Musulmán, whose descendants still retain the title of Rájá, and enjoy a small jágír. The district comprehends the large town of Pind Dádan Khán.”



the Sultán sent an ambassador to him with a demand for money, and for the surrender of the son and daughter of Amír Khán, who had taken shelter at Múltán, having fled from the battle which took place on the banks of the Indus. Kubácha sent the son and daughter of Amír Khán with a large contribution in money, soliciting at the same time that his territories might not be despoiled. The weather, however, growing hot, the Sultán determined to proceed from Uch to the Júdí hills, to Balála and Nakála, and on his way besieged the fort of Bistrám, where in an engagement he was wounded in the hand by an arrow. In the end, the Sultán captured the fort, and put all who were in it to the sword. At this place he received intelligence of the movement of the Moghal troops, who were endeavouring to effect his capture, so he turned back. When he was in sight of Múltán, he sent an ambassador to Kubácha to intimate his return, and to demand the tribute due by him. The advanced guard of the Sultán waited but for a short time, and as the inhabitants of Uch were hostile, he set fire to the city and marched upon Sadúsán, where Fakhru-d dín was governor on behalf of Kubácha. Láchín of Khitá was commander of the troops, and he led them forth to oppose Okhán, who was general of the Sultan's army, but he was slain in the conflict. Okhán then besieged Sadúsán, and when the Sultán arrived, Fakhru-d dín Sálári with tears supplicated for pardon, and presented his sword and coffin<sup>1</sup> in token of submission. The Sultán remained there for one month, and showing favour to Fakhru-d dín, he made over to him the government of Sadúsán and marched towards Dewal (Debal) and Damrila. Hasar, who was the ruler of this territory, took to flight, and embarked in a boat. The Sultán, on reaching the borders of Dewal and Damrila, deputed Khás Khán with a force to Nahrwála, from which place he brought away much spoil and many prisoners. Shortly after, the Sultán entered Dewal and Damrila, and erected a Jámi' mosque in the former place, opposite the temple of an idol.<sup>2</sup> In the meantime,

<sup>1</sup> The *Jahán-kushd* has "winding sheet" instead of "coffin." They both imply the same sentiment, that Fakhru-d dín was fit only to die, and placed his life in the Sultán's hand. The *Tarikh-i Alfi* says "his coffin and his sword suspended from his neck." On the Sultán's return to Persia, we find the repentant generals going through the same emblematic form of contrition.

<sup>2</sup> Firsihta says that the name of the chief of Daibal, or Thatta, was Jaishi, and



THE END OF GREAT BRITAIN

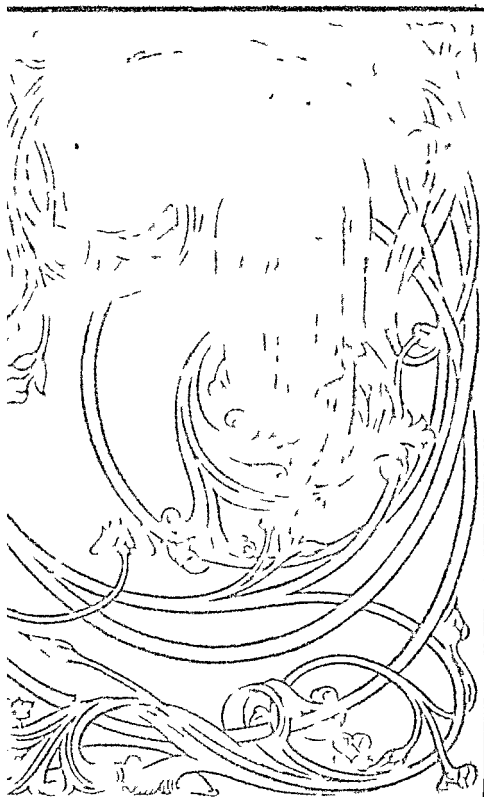
"When Changiz Khan heard of this defeat, he despatched Kutuku<sup>1</sup> and another of the Nuyans, with thirty thousand men, against the Sultan, and himself followed in their rear. As soon as Kutuku reached Barani, the Sultan prepared for action, and gave orders that his men should dismount and bind the reins of their horses round their waists, fighting only with swords and arrows from morn till evening. At the approach of night, both infidels and Musulmans retired to their respective camps, and on the return of morn the Sultan's army saw a double line of troops opposed to them more than they had contended with the day before. The reason was, that Kutuku during the night had devised a stratagem, by ordering each of his troopers to make human figures with basket work and felt, and place them in the rear. The Sultan's army, conceiving that reinforcements had reached the Moghals, became alarmed, and proposed to leave the field, but the Sultan making them take heart, prevented them carrying this foolish design into effect, and ordered them again to fight during that day also on foot. After a time, when they saw their own strength and the weakness of the Moghals, they suddenly mounted their horses, and charging the enemy slew the greater part of these infidels and the two Nuyans fled, with only a few followers, to Changiz Khan. \* \* \*

"On the day of this victory,<sup>2</sup> a quarrel arose between Saifu d din Aghrak and the governor of Hirat respecting a horse, upon which occasion the latter struck Aghrak's horse on the head and as the Sultan was not confident that any remonstrance of his would be listened to, he did not call the governor to account. The consequence was that during the night Saifu d din Aghrak left the camp in anger, and went off with his Kankali, Turkoman, and Khilj troops towards the hills of Sankrak. \* \* \*

<sup>1</sup> "Sankghur Nūjān" in the *Turikh-i Alfī* and Kankūr in the original *Jahān Kushai*. D Ohsson says, "Shieki Coutoucou." The *Universal History* also has "Kūtūkū" and places him at the head of eighty thousand men. The *Genaldessaal* says "Schiki kutuhu." Miles has "Kykoor."

<sup>2</sup> The *Modern Universal History* on the authority of Muhammad of Nessa, says that Jalalu d din, after reproaching his prisoners with their cruelties caused nails to be thrust into their ears, to revenge the miseries which his subjects had so long suffered from the Mongols and Tatars.

<sup>3</sup> Price reads "Sekrauk." Hammer "Sinkrak." The *Jam'iu t Tawarikh*, "Sankūran." Rampoldi says, "Sangrak, non molte distante da Gazna." Miles reads "Sunkran."



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—In the, about 8, in the 1911